

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**RECEIVED**AUG 12 2019 *PH*THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURTCAKUBA, PETER(1000 PRISONER # M52946)

Plaintiff(s),

vs.

BROWN, DOROTHY & JANE DOES 1-50(1<sup>ST</sup> CIR. CT., COOK CO. CLERK)

INDIVIDUAL &amp; OFFICIAL CAPACITY

Defendant(s).

50 W. WASHINGTON ST., STE. 1001  
CHICAGO, IL 60602

)  
)  
)  
)  
) 1:19-cv-05429  
) Judge John J. Tharp, Jr  
) Magistrate Judge Jeffrey Cummings  
) PC9

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

*This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.*

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is PETER CAKUBA (M52946)

ROBINSON CORREC. CTR.  
13423 E. 1150<sup>TH</sup> AVE.  
ROBINSON, IL 62454

*If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.*

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

4. Defendant, DOROTHY BROWN & JOHN + JANE DOES 1-50, is  
(name, badge number if known)
- ☒ an officer or official employed by 1<sup>ST</sup> CIRCUIT COURT, COOK CO. CLERK;  
(department or agency of government)
- 50 W. WASHINGTON ST., STE. 1001 or  
CHICAGO, IL 60602
- ☐ an individual not employed by a governmental entity.

*If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.*

5. The municipality, township or county under whose authority defendant officer or official acted is COOK CO.. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.
6. On or about JUNE - PRESENT 2019, at approximately N/A ☐ a.m. ☐ p.m.  
(month, day, year)
- plaintiff was present in the municipality (or unincorporated area) of \* SEE ATTACHED  
HANDWRITTEN COMPLAINT \*, in the County of \_\_\_\_\_,  
State of Illinois, at \_\_\_\_\_,  
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (*Place X in each box that applies*):

- ☐ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☐ searched plaintiff or his property without a warrant and without reasonable cause;
- ☐ used excessive force upon plaintiff;
- ☐ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with needed medical care;
- ☐ conspired together to violate one or more of plaintiff's civil rights;
- ☒ Other: DENIED ACCESS TO COURTS BY FAILING 3x TO FILE CAKUDA'S  
'PRO SE' INDIGENT PRISONER IL. STATE HABEAS CORPUS PETITION.  
(JUNE 10, JULY 11, JULY 25, 2019 3x PRISON LEGAL MAILED).  
(SEE ATTACHED COMPLAINT w/ EXHS., APPENDICES)



[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: *(Leave blank if no custom or policy is alleged):* \* SEE HANDWRITTEN COMPLAINT \*

8. Plaintiff was charged with one or more crimes, specifically:

N/A

9. *(Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other")* The criminal proceedings

- ☐ are still pending.
- ☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.<sup>1</sup>
- ☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows \_\_\_\_\_

☒ Other: N/A

<sup>1</sup>Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

\* SEE ATTACHED HANDWRITTEN COMPLAINT (w/ EXHS. & APPENDICES)

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

1<sup>ST</sup> AMEND. VIOL. : DENIED ACCESS TO COURTS BY FAILURE TO FILE

TIME CRITICAL IL. STATE HABEAS CORPUS PETITION: GAKUBA v. NEESE, MICHELLE  
(ROBINSON WARDEN)

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No



[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

M/A

**WHEREFORE**, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and

- \*\* =>** C. Such injunctive, declaratory, or other relief as may be appropriate, including **<= \*** attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature:  8/7/19

Plaintiff's name (print clearly or type): PETER GAKUBA (1152946)

Plaintiff's mailing address: ROBINSON CORREC. CTR. 13423 E. 1150<sup>TH</sup> AVE.

City ROBINSON State IL ZIP 62454

Plaintiff's telephone number: ( ) H/A

Plaintiff's email address (if you prefer to be contacted by email): H/A

15. Plaintiff has previously filed a case in this district. ☒ Yes ☐ No

If yes, please list the cases below.

GAKUBA v. O'BRIEN 12 C47296 (H.D. IL.)

GAKUBA v. KARNER 13 C450337 (H.D. IL.)

GAKUBA v. MEESE 17 C450337 (H.D. IL.)

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.



CAKUBA, PETER  
PL: PET. APPELLANT

CASE #

V. BROWN, DOROTHY  
DEFS: RESP. - APPELEE

U.S. DISTRICT COURT N.D. IL., E. DIV.

COMPLAINT - MONETARY DAMAGES &

EQUITABLE RELIEF: TRD, PRELIM. &/OR PERM. INJUNCTION,

\* EMERGENCY \*

DECLARATORY JUDGMENT, &/OR ANY OTHER RELIEF

NOW COMES 'PRO SE' INDIGENT - IMPRISONED PL. PET. APPELLANT PETER CAKUBA ("CAKUBA") IN  
THE ABOVE-CAPTIONED RELIEF.

CAKUBA STATES THE FOLLOWING UPON KNOWLEDGE, INFO., & BELIEF. 28 USC § 1746, 735 ILCS 5/109.

PETER CAKUBA DECLARES UNDER PENALTY OF PERJURY:

- ① SYNOPSIS: ON APRIL 27, 2021 -- SOME 18 MOS. FROM NOW -- CAKUBA'S FALSE IMPRISONMENT WILL END PER A MALICIOUS PROSECUTION FOR STATUTORY RAPE WHEREBY AGE OF THE PARTIES' AND SEXUAL ACTIVITY ARE THE ELEMENTS OF THE CRIME.
- ② IN A CASE OF 1<sup>ST</sup> IMPRESSION, CAKUBA'S BIRTHDATE WAS, FIRST AND FOREMOST, ILLEGALLY OBTAINED FROM CAKUBA'S HOLLYWOOD VIDEO CUSTOMER RECORDS BY IL. STATE POLICE CHARLES O'BRIEN AND ASA KATE KURTZ IN VIOLATION OF THE VIDEO PRIVACY PROTECTION ACT (VPPA), 18 USC § 2710(a), § 2710(b)(2)(C), § 2710(d), § 2710(e). IN VIOLATION OF EX PARTE YOUNG (4<sup>TH</sup>, 14<sup>TH</sup> AMEND.) AND 18 USC § 2710(d)'S PROSCRIPTIONS, O'BRIEN & KURTZ ILLEGALLY RECEIVED CAKUBA'S BIRTHDATE AS "OFFICERS" BEFORE A "GRAND JURY" RENDERING CAKUBA'S IL. STATE IMPELMENT VOID AB INITIO.
- ③ UNDER WELL ESTABLISHED STATE HABEAS LAW, A VOID IMPELMENT VOIDS IL. COURTS' JURISDICTION. SEE 735 ILCS 5/10-124 #1 (OF 7).
- ④ TO DATE, 4 YEARS OF CAKUBA'S PRO SE IL. STATE AND FED'L LITIGATION HAS FAILED. SEE CAKUBA 2017 IL APP (2d) 150794-U (DIRECT APPEAL); CAKUBA 2019 IL APP (2d) 17044-U (P.C. APPEAL); CAKUBA 17 CV 50337 (N.D. IL.); CAKUBA 18-3396 (7<sup>TH</sup>) (HABEAS).
- ⑤ CONSEQUENTLY, CAKUBA SEEKS NOW IL. STATE HABEAS RELIEF WHICH MUST BE GRANTED AS A MATTER OF LAW: 18 USC § 2710(b)(2)(C), § 2710(d).
- ⑥ FACTUAL BACKGROUND / PROCEDURAL HISTORY: ON JUNE 10, 2019 (OR ABOUT) CAKUBA PRISON LEGAL MAILED HIS PRO SE ~ 7 PAGE IL. STATE HABEAS CORPUS WRIT PETITION TO:



COURT CLERK, 2600 S. CALIFORNIA AVE., CHICAGO, IL 60601. EXHIBIT # 1a

(7) AS WELL, GAKUBA PRISON LEGAL MAILED ON OR ABOUT JUNE 13, 2019 A COPY TO: MICHAEL REBULA, OFFICE-IL. ATTORNEY GEN'L, 100 W. RANDOLPH ST., 12<sup>TH</sup> FL, CHICAGO, IL 60601. EXH. # 1a.

(8) A COVER LETTER TO THE COURT CLERK WAS INCLUDED PLAINLY STATING GAKUBA SEEKS EXPEDITED REVIEW AND A PROMPT CONFIRMATION RESPONSE. EXHIBIT # 1b.

(9) ON OR ABOUT JUNE 26, 2019 GAKUBA PRISON LEGAL MAILED A 1-PAGE LETTER TO: "DOROTHY BROWN- COURT CLERK" & "CHIEF JUDGE TIMOTHY EVANS" PLEADING FOR A "COURTESY RESPONSE" CONFIRMING RECEIPT/FILING/DOCKETING OF GAKUBA'S PRO SE 7-PAGE STATE HABEAS (W/ ~ 200 PAGES OF SUPPORTING RECORDS) EXH. # 1c.

(10) ON JULY 16, 2019 (RECEIVED JULY 19, 2019) "KEVIN MARSHALL" RESPONDED ON BEHALF OF CHIEF JUDGE EVANS TO GAKUBA'S JUNE 26, 2019 LETTER. MARSHALL (ON HIS ASST.) AS "COURT SERVICES ADMINISTRATOR" STATED THAT JUDGE EVANS COULDN'T "ORDER" DOROTHY BROWN TO FILE/DOCKET GAKUBA'S PLEADING; THAT GAKUBA SHOULD "CONSULT" W/ PRO BOND LAWYERS; AND THAT HE LETTERED DOROTHY BROWN AT 56 W. WASHINGTON ST., STE. 1001, CHICAGO, IL. 60602. EXH. 1d.

(11) ON OR ABOUT JULY 11, 2019 GAKUBA PRISON LEGAL MAILED 2x HIS PRO SE 7-PAGE STATE HABEAS W/ ~ 200 PAGES OF SUPPORTING RECORDS. ONLY THIS TIME TO: 2650 S. CALIFORNIA AVE., 5<sup>TH</sup> FL., CHICAGO, IL 60608. EXH. 1a. (COURT CLERK). INCLUDED WERE A COVER LETTER (6/10/2019) COPY.

(12) ON OR ABOUT JULY 17, 2019 GAKUBA PRISON LEGAL MAILED A CONFIRMATION LETTER TO CHIEF JUDGE EVANS A 2<sup>ND</sup> TIME (2x) SEEKING A RESPONSE. EXH. 1e.

(12a) ON JULY 24, 2019 (GAKUBA'S RECEIPT 7/29/19) MARSHALL SENT A CARBON COPY LETTER TO GAKUBA OF THE EXACT SAME JULY 16, 2019 LETTER(S). EXH. 1f; P 10 (SUPRA)

(13) ON JULY 26, 2019 (OR ABOUT) GAKUBA PRISON LEGAL MAILED A 3<sup>RD</sup> LETTER (3x) TO MARSHALL SEEKING NOTICE/HELP OF HIS PRIOR 3x FILINGS/MANINGS OF GAKUBA'S 7-PAGE HABEAS W/ ~ 200 PAGES OF SUPPORTING RECORDS. EXH. 1g.



- (14) AND, FOR THE 3<sup>RD</sup> TIME, GAKUBA ON OR ABOUT JULY 25, 2019 PRISON LEGAL MAILED HIS 7-PAGE HABEAS w/ ~ 200 PAGES OF SUPPORTING RECORDS TO BOTH THE COURT CLERK AND TO DOROTHY BROWN DIRECT. COURT CLERK ADDRESS: 2650 S. CALIFORNIA AVE. 5<sup>TH</sup> FLOOR, CHICAGO, IL 60608. BROWN ADDRESS: 50 W. WASHINGTON ST., STE. 1001 CHICAGO, IL 60602. EXH. 1a.
- (15) ON JULY 25, 2019 (RECEIVED 7/29/19) BROWN LETTERED GAKUBA STATING THAT NONE OF GAKUBA'S PRO SE PRISON LEGAL MAILINGS WERE RECEIVED. NOT ONE. EXH. 1h.
- (16) DISTURBING, AS GAKUBA'S VOLUMINOUS MAILINGS ALL WERE RECEIVED IN GAKUBA'S PENDING 7<sup>TH</sup> U.S.C.A.'S CASES AND PROMPTLY DOCKETED / FILED BY THAT FED'L COURT. GAKUBA 18-3398, 19-1640, 19-1641 (7<sup>TH</sup>) HABEAS & CIVIL RIGHTS. LIKEWISE, THE 7<sup>TH</sup> U.S.C.A CLERK PROMPTLY RESPONDED TO ALL GAKUBA'S REQUESTS FOR STATUS REPORTS &/OR DOCKET HISTORY PRINT-OUTS.
- (17) IN GAKUBA V. IL. 1248481 (U.S.S. CT.) THE U.S.S. CT. CLERK PROMPTLY FLAGGED DEFECTS IN GAKUBA'S PRO SE CERTIORARI AND RETURNED IT (~ 100 PAGES) TO GAKUBA FOR CORRECTION ON APRIL 4, 2019. SEE EXHIBIT # 2a.
- (18) IN PEOPLE V. GAKUBA 2015 IL APP (2d) 150794-U GAKUBA LETTERED BOTH THE CLERKS FOR THE 2<sup>ND</sup> DISTRICT IL. APP. CT. & IL. SUPREME COURT ON JUNE 17, 2019. EXH. # 2b.
- (19) ON JUNE 19, 2019 BOTH COURT'S CLERKS PROMPTLY RESPONDED. EXH. # 2c.
- (20) MONETARY DAMAGES: 100C CHARGES \$ 0.10 / PAGE FOR COPIES. GAKUBA'S HABEAS w/ RECORDS IS ABOUT ~ 207 PAGES. ASIDE FROM THE NUMEROUS LETTERS DETAILED SUPRA, GAKUBA MAILED 3 PLEADINGS TO THE 1<sup>ST</sup> CIRCUIT COURT CLERK AND 1 TO DOROTHY BROWN'S ADMIN. OFFICE: 4 IN TOTAL. TOTAL COPY COSTS ARE: ~ \$ 250.00. U.S. POSTAL MAIL COSTS: ~ \$ 8.75 x 4 = ~ \$ 35. IN TOTAL: ~ \$ 300. SEE EXHIBIT # 3.
- (21) THE PASSPORT TO HABEAS RELIEF IS BEING "IN CUSTODY" WHICH MEANS GAKUBA'S APRIL 27, 2021 RELEASE FROM IMPRISONMENT WOULD MOOT ANY PENDING HABEAS. GAKUBA



SEEKS ACTUAL, COMPENSATORY, AND PUNITIVE DAMAGES AS A RESULT.

**\* EMERGENCY \***

(22) EQUITABLE RELIEF: TRD, PRELIM. & PERM. INJUNC. RELIEF, DECL. JUDGMENT, OR OTHER RELIEF

ON POINT: HARDEN V. SCHADEDER 2019 US APP LEXIS 19678 AT \*3 (7<sup>th</sup> 7/1/2019)

(AT \*3: "BECAUSE HARDEN COMPLAINS ABOUT ACTS THAT PRECEDED THE INITIATION OF PROCESS (THE ALLEGED REFUSAL TO DOCKET A CASE)" THE DISTRICT COURT HAS JURISDICTION.

SEE GEN'L AUTO SERV. STATION LLC V. CITY OF CHICAGO 319 F.3d 902, 905 (7<sup>th</sup> 2003)).

(23) LIKE HARDEN, BAKUBA SEEKS DOCKETING OF HIS PRO SE ~ 207 HABEAS W/ SUPPORTING RECORDS WHICH WERE PRISON LEGAL MAILED THrice (3x) TO THE 1<sup>ST</sup> CIR. CT. CLERK ON OR ABOUT 6/10/19, 7/11/19, 7/25/19, AS WELL, ONCE (1x) IT WAS MAILED TO BROWN'S ADMINISTRATIVE OFFICE: 7/25/19, TO NO AVAIL.

(24) WORSE STILL, IT APPEARS THAT 6 PRIOR CASES EXIST W/ SIMILAR COMPLAINTS. E.G. ROBINSON V. BROWN 2007 US DIST. LEXIS 52909 AT \*12-15 (N.D.IL. 7/20/07).

(LEXIS FILTER: IL. FED'L COURTS + "DOOROTHY BROWN" + "ACCESS TO COURTS" + 2000-PRESENT)

(25) CONSEQUENTLY, BAKUBA SEEKS EXPEDITED ADJUDICATION OF THIS CASE'S EQUITABLE RELIEF COMPONENT; FOR MOTIONS WILL OCCUR OTHERWISE WHEN FACTORING ANY IL. STATE COURT OR 7<sup>th</sup> U.S.C.A. APPEALS. (NOTE: BAKUBA'S STATE APPEALS TOOK ~ 2 YEARS; FED'L HABEAS ~ 1 YEAR; <sup>FED'L</sup> APPEAL > 8 MONTHS (AND COUNTING)).

JUSTICE DELAYED IS JUSTICE DENIED.

VERIFICATION - CERTIFICATION / DECLARATION

PROOF OF FILING + SERVICE

BY 8/7/19 PETER BAKUBA PRISON LEGAL

MAILED THIS PLEADING TO: 18 USC § 1621, 735 ILCS 5/109

UNDER PENALTIES OF PERJURY PER 735 ILCS 5/109, 28 USC § 174, BAKUBA CERTIFIES THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF HIS KNOWLEDGE + BELIEF.

*[Signature]* 8/7/19

PETER BAKUBA (MS2946)  
13423 E. 1150<sup>TH</sup> AVE. ROBINSON, IL 62454

*[Signature]*



GAKUBA, PETER

CASE #

PL. PET.

v. BROWN, DOROTHY  
DEFT., RESP.

U.S.D.C. - N.D.IL.  
E.DIN.

COMPLAINT - MONETARY DAMAGES &

EQUITABLE RELIEF : TRD, PREM. & /OR PERM. INJUNCTION,

\* EMERGENCY \* DECLARATORY JUDGMENT, & /OR ANY OTHER RELIEF

## APPENDICES

EXHIBIT # 1 a-h : GAKUBA → 1<sup>ST</sup> CIR. COURT PERSONNEL CORRESPONDENCES  
JUNE 2019 TO AUGUST 2019

EXHIBIT # 2 : VARIOUS COURT CLERKS' → GAKUBA CORRESPONDENCES  
a  
c  
APRIL 2019 TO JULY 2019

EXHIBIT # 3 : PRISON COPY & POSTAGE RECEIPTS FOR EXPENSES  
GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (HABEAS)

ATTACHMENT #1 : GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (HABEAS)

7-PAGE HABEAS PETITION w/ MOST SALIENT SUPPORTING RECORD(S)



GAHUBA, PETER

PL-PET.

CASE #

1. BROWN, DOROTHY  
DEFT, RESP.

U.S.D.C. - N.D.IL.  
E.D.N.

COMPLAINT - MONETARY DAMAGES &

EQUITABLE RELIEF - TRD, PREM. & /OR PERM. INJUNCTION,

\* EMERGENCY \* DECLARATORY JUDGMENT, & /OR ANY OTHER RELIEF

## APPENDICES

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7-PAGE HABEAS PETITION w/ MOST SALIENT SUPPORTING RECORDS



IN THE

CIRCUIT COURT, COOK COUNTY

GAKUBA, PETER

Plaintiff/Petitioner

Vs.

NEESE, MICHELLE

Defendant/Respondent

No. \_\_\_\_\_  
HABEAS CORPUS WRIT

## PROOF/CERTIFICATE OF SERVICE

\* TO: COURT CLERK  
CIRCUIT CT., COOK CO.  
2650 S. CALIFORNIA AVE., 5TH FL.  
CHICAGO, IL 60608TO: MICHAEL L. CEBULA  
OFFICE - ATTY. GENERAL  
100 W. RANDOLPH ST., 12TH FL.  
CHICAGO, IL 60601

\* 2ND MAILING

PLEASE TAKE NOTICE that at: 4/9 AM/PM JUNE 13 7/10, 2019, I placed the documents listed below in the institutional mail at Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service.

① PETITION FOR HABEAS CORPUS WRIT (IL STATE) w/ ATTACHMENTS

② APPLICATION FOR WAIVER OF COURT FEES

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109 I declare, under penalty of perjury that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge and belief.

DATED: 6/13/2019

\* 2ND MAILING 7/10/2019

3RD MAILING 7/25/2019

TO: D. BROWN

50 W. WASHINGTON ST. STE 1001

/s/

Name: PETER GAKUBA

IDOC No. M32946

Robinson Correctional Ctr.

13423 E. 1150th Ave.

Robinson, IL 62454



TUESDAY, JUNE 11, 2019

PETER BARUBA (MS2946)

ROBINSON CC

13423 E. 1150<sup>TH</sup> AVE.

ROBINSON, IL 62454

COURT CLERK

CIRCUIT COURT, COOK CO,

2600 S. CALIFORNIA AVE.

CHICAGO, IL 60608

(773) 674-3160

VIA 1<sup>ST</sup> CLASS MAIL

RE: BARUBA V. MEESE ?-NEW CASE (CIR. CT., COOK CO.)

STATE HABEAS - CRIMINAL, NEW INDIGENT CASE

COURT CLERK:

ENCLOSED FOR PROMPT FILING IS MY 'PROSE' 7-PAGE STATE HABEAS-CRIMINAL.\*

I WILL BE SEEKING EXPEDITED REVIEW BEFORE THE TRIAL COURT, THEN, APPELLATE COURT.

THEREFORE, PLEASE RESPOND QUICKLY WITH THE DOCKETING/FILING DATE

AND ASSIGNED CASE NUMBER.

AS WELL, RESPOND QUICKLY WITH ANY DEFECTS SUCH THAT I CAN RE-FILE / CORRECT THEM.

THANK YOU,

gls

\* ATTACHMENTS MAY BE MAILED IN SEPARATE ENVELOPES.

EXHIBIT 1b n/1



WEDNESDAY, JUNE 26, 2019

PETER GAKUBA (MS2946)

ROBINSON CC

13423 E. 115<sup>TH</sup> AVE.

ROBINSON, IL 62454

DOROTHY BROWN, COURT CLERK

1<sup>ST</sup> CIRCUIT CT., COOK CO.

2600 S. CALIFORNIA AVE.

CHICAGO, IL 60601

VIA 1<sup>ST</sup> CLASS MAIL

RE: GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (STATE HABEAS)

DOROTHY BROWN:

ON OR ABOUT JUNE 11, 2019 I PRISON LEGAL MAILED MY 'PROSE' STATE HABEAS  
w/ EXHIBITS, ATTACHMENTS.

ON FRIDAY, JUNE 21, 2019 MY FAMILY TELEPHONED THE COURT CLERK FOR CONFIRM-  
ATION IT HAD BEEN FILED/DOCKETED. OF THAT DATE, IT HAD NOT BEEN.

THIS CASE I WILL SEEK EXPEDITED REVIEW (FOR GOOD CAUSE).

CONSEQUENTLY, I'D APPRECIATE YOU (OR YOUR STAFF) KINDLY TO ENSURE  
PROMPT FILING/DOCKETING (IF NOT DONE SO ALREADY).

A COURTESY RESPONSE w/ THE CASE'S OPENING DATE WOULD BE WELCOMED  
AND APPRECIATED. LIKEWISE, RESPOND w/ THE CASE # FOR FUTURE REFERENCE.

THANK YOU,

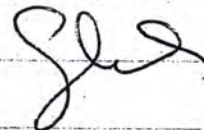


EXHIBIT 1c pp 12



WEDNESDAY, JUNE 26, 2019

PETER GAKUBA (MS2946)

ROBINSON CC

13423 E. 115<sup>TH</sup> AVE.

ROBINSON, IL 62454

CHIEF JUDGE TIMOTHY EVANS

1<sup>ST</sup> CIRCUIT CT., COOK CO.

2600 S. CALIFORNIA AVE.

CHICAGO, IL 60601

VIA 1<sup>ST</sup> CLASS MAIL

RE: GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (STATE HABEAS)

CHIEF JUDGE TIMOTHY EVANS:

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THANK YOU,

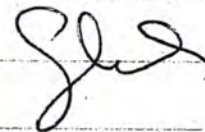


EXHIBIT 1c PP 3/2





State of Illinois  
Circuit Court of Cook County  
Office of the Chief Judge

Timothy C. Evans  
Chief Judge

69 West Washington Street  
Suite 3300  
Chicago, Illinois 60602

July 16, 2019

Kevin Marshall  
Court Services Administrator  
Judicial Security

Mr. Peter Gakuba  
#M52946  
Robinson Correctional Center  
13423 East 1150<sup>th</sup> Avenue  
Robinson, Illinois 62454

Re: Gakuba v. Neese

Dear Mr. Gakuba:

The Office of the Chief Judge is in receipt of your correspondence dated June 26, 2019. It has been forwarded to Honorable Dorothy Brown, Clerk of the Circuit Court of Cook County, 50 West Washington Street, Suite 1001, Richard J. Daley Center, Chicago, Illinois 60602, for any and all appropriate action.

The chief judge acts solely in an administrative capacity and cannot order an elected official to perform any task or action.

I recognize that your concerns in this matter are of considerable importance to you. Therefore, if you have any questions about your legal rights or the process by which they are adjudicated, I recommend that you consult an attorney, as this office is unable to provide you with advice. If you do not have an attorney or cannot afford the services of an attorney, I have enclosed a legal services directory with telephone numbers and addresses of various agencies which may be of assistance to you.

Sincerely,

A handwritten signature in cursive script that reads "Kevin K. Marshall".

Kevin K. Marshall  
Court Services Administrator  
Office of the Chief Judge

KKM:mjs

Cc: Honorable Dorothy Brown, Clerk of the Circuit Court of Cook County

EXHIBIT 1 d pp 1/2





State of Illinois  
Circuit Court of Cook County

Chambers of  
Timothy C. Evans  
Chief Judge

Kevin K. Marshall  
Court Services Administrator

69 West Washington Street  
Suite 3300  
George W. Dunne  
Cook County Administration Building  
Chicago, Illinois 60602  
(312) 603-3303

July 16, 2019

Honorable Dorothy Brown  
Clerk of the Circuit Court of Cook County  
50 West Washington Street, Suite 1001  
Richard J. Daley Center  
Chicago, Illinois 60602

Re: Peter Gakuba, #M52946

Dear Clerk Brown:

I have enclosed correspondence concerning the above-referenced individual and case. Please review for any and all appropriate action.

Sincerely,

Kevin K. Marshall  
Court Services Administrator  
Office of the Chief Judge

KKM:mjs  
Enclosure  
Cc: Peter Gakuba

EXHIBIT 1d pp. 2/2



WEDNESDAY, JULY 17, 2019

PETER GAKUBA (MS2946)

CHIEF JUDGE T. EVANS

ROBINSON CC

1<sup>ST</sup> CIRCUIT CT., ROOM 80.

13423 E. 1150<sup>TH</sup> AVE.

DALEY CTR.

ROBINSON, IL 62454

50 W. WASHINGTON ST.

CHICAGO, IL 60602

(312) 603-6000

VIA 1<sup>ST</sup> CLASS MAIL

RE: GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT.) (HABEAS CORPUS PETITION)

CHIEF JUDGE EVANS:

ON JUNE 11, 2019 I PRISON LEGAL MAILED A 10-PAGE HABEAS w/ ~ 200 PAGES OF  
SUPPORTING RECORDS. IRE 201.

NOT HEARING BACK FROM THE COURT CLERK A RESPONSE TO MY REQUEST FOR CONFIRMATION  
THIS TIME CRITICAL PLEADING WAS DOCKETED / FILED, I PRISON LEGAL MAILED IT AGAIN ON JULY 11, 2019.

AS THIS IS A TIME SENSITIVE CASE, I WRITE YOU ASKING FOR HELP IN ENSURING MY 'PRO SE'  
STATE HABEAS WRIT IS DOCKETED / FILED w/o NEEDLESS DELAY.

PLEASE RESPOND CONFIRMING THIS CASE HAS BEEN OPENED AND ASSIGNED; OTHERWISE, JUSTICE  
DELAYED IS JUSTICE DENIED.

THANK YOU,

gls

EXHIBIT 1e pp 11





State of Illinois  
Circuit Court of Cook County  
Office of the Chief Judge

Timothy C. Evans  
Chief Judge

69 West Washington Street  
Suite 3300  
Chicago, Illinois 60602

July 24, 2019

Kevin Marshall  
Court Services Administrator  
Judicial Security

Mr. Peter Gakuba  
#M52946  
Robinson Correctional Center  
13423 East 1150<sup>th</sup> Avenue  
Robinson, Illinois 62454

Re: Gakuba v. Neese, (1<sup>st</sup> Circuit Court)  
(Habeas Corpus Petition)

Dear Mr. Gakuba:

The Office of the Chief Judge is in receipt of your correspondence dated July 17, 2019. It has been forwarded to Honorable Dorothy Brown, Clerk of the Circuit Court of Cook County, 50 West Washington Street, Suite 1001, Richard J. Daley Center, Chicago, Illinois 60602, for any and all appropriate action.

The chief judge acts solely in an administrative capacity and cannot order an elected official to perform any task or action.

I recognize that your concerns in this matter are of considerable importance to you. Therefore, if you have any questions about your legal rights or the process by which they are adjudicated, I recommend that you consult an attorney, as this office is unable to provide you with advice. If you do not have an attorney or cannot afford the services of an attorney, I have enclosed a legal services directory with telephone numbers and addresses of various agencies which may be of assistance to you.

Sincerely,

A handwritten signature in cursive script that reads "Kevin K. Marshall/mk".

Kevin K. Marshall  
Court Services Administrator  
Office of the Chief Judge

KKM:mjs

Cc: Honorable Dorothy Brown, Clerk of the Circuit Court of Cook County

EXHIBIT 1 of 12





State of Illinois  
Circuit Court of Cook County

Chambers of  
Timothy C. Evans  
Chief Judge

Kevin K. Marshall  
Court Services Administrator

69 West Washington Street  
Suite 3300  
George W. Dunne  
Cook County Administration Building  
Chicago, Illinois 60602  
(312) 603-3303

July 24, 2019

Honorable Dorothy Brown  
Clerk of the Circuit Court of Cook County  
50 West Washington Street, Suite 1001  
Richard J. Daley Center  
Chicago, Illinois 60602

Re: Peter Gakuba, #M52946

Dear Clerk Brown:

I have enclosed correspondence concerning the above-referenced individual and case. Please review for any and all appropriate action.

Sincerely,

Kevin K. Marshall  
Court Services Administrator  
Office of the Chief Judge

KKM:mjs  
Enclosure  
Cc: Peter Gakuba

EXHIBIT 1 of pg 2 1/2



FRIDAY, JULY 26, 2019

PETER GAKUBA (MS2946)

KEVIN MARSHALL

ROBINSON CC

COURT SERVICES ADMINISTRATOR

13423 E. 1150<sup>TH</sup> AVE.

69 W. WASHINGTON ST., STE 3300

ROBINSON, IL 62454

CHICAGO, IL 60602

VIA 1<sup>ST</sup> CLASS MAIL

RE: GAKUBA v. NEESE (1<sup>ST</sup> CIR. CT., COOK CO.) (STATE HABEAS CORPUS WRIT)

KEVIN MARSHALL:

THANK YOU FOR YOUR PROMPT JULY 16, 2019 RESPONSE LETTER TO MY JUNE 26, 2019 COMPLAINT SENT TO CHIEF JUDGE EVANS AND COURT CLERK DOROTHY BROWN.

CLERK BROWN NEVER RESPONDED TO THE JUNE 26, 2019 COMPLAINT SENT NOR YOUR JULY 16, 2019 RESPONSE LETTER.

YOUR SUGGESTION TO RECRUIT A LAWYER HAS BEEN A DEAD END AS I'VE WRITTEN TO +50 LAWYERS SINCE 2015 W/ ZERO INTEREST. PRE-2015 MY RETAINED LAWYER(S) PROVED RAPACIOUS AND DECEITFUL. (E.G. BEAD BRIDLEY)

ACCORDINGLY, I'M PRO SE AND HAVE SUCCEEDED WHEN FAIR, IMPARTIAL JUDGE(S) ADJUDICATE MY CASE. SEE GAKUBA v. O'BRIEN 711 F.3d 751 (7<sup>TH</sup> 2013).

CONSEQUENTLY, ON JULY 25, 2019 I PRISON LEGAL MAILED -- FOR THE 3<sup>RD</sup> TIME -- MY 7-PAGE HABEAS FILING W/ ~ 200 PAGES OF SUPPORTING RECORDS TO CLERK BROWN'S ADMINISTRATIVE OFFICE STATED IN YOUR LETTER AND TO 2650 S. CALIFORNIA AVE.

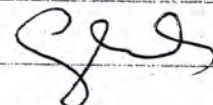
I WRITE YOU INQUIRING IF A ~ 207 PAGE PLEADING POSES A PROBLEM? DELAY? THE 7<sup>TH</sup> U.S.C.A. CLERK HAS PROCESSED / DOCKETED SIMILAR PLEADINGS IN 1-3 DAYS. GAKUBA v. NEESE 18-3398 (7<sup>TH</sup>).

WOULD YOU RESPOND W/ ANY CONTACTS IN THE COURT CLERK'S OFFICE WHO IS SIMILAR TO YOU? A HANDS-ON PROBLEM SOLVER?

EXHIBIT 19 PP 11

11

THANK YOU,



**DOROTHY BROWN**  
CLERK OF THE CIRCUIT COURT



**Richard J. Daley Center**  
Room 1001  
Chicago, Illinois 60602  
(312) 603-5030  
FAX (312) 603-4557  
[www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org)

**OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY**

July 25, 2019

Peter Gakuba  
#M52946  
Robinson Correctional Center  
13423 East 1150<sup>th</sup> Avenue  
Robinson, Illinois 62454

Dear Mr. Gakuba:

I am in receipt of your letter received in my office on July 23, 2019, forwarded by the Honorable Timothy C. Evans, Chief Judge of the Circuit Court of Cook County, regarding the status of your Pro se State Habeas w/exhibits attachments. In your letter it was indicated that the documents were sent to the Court Clerk on June 11, 2019.

Please know that the Clerk of the Circuit Court of Cook County Executive Office, has not received the documents you are referring to but I have forwarded you letter to Michael Moore, Executive Clerk for Court Operations and Administration. I have asked Mr. Moore to look into this matter and respond. If you have any questions pertaining to this subject, Mr. Moore can be reached at (312) 603-5400.

The Office of the Clerk of the Circuit Court of Cook County aims to assist customers in a professional, efficient and timely manner. Great customer service is our priority.

If you have any additional questions, I can be contacted at (312) 603-5071.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy Brown".

Dorothy Brown  
Clerk of the Circuit Court of Cook County

Cc: Honorable Timothy C. Evan, Chief Judge, Circuit Court of Cook County  
Kevin K. Marshall, Court Services Administrator, Office of the Chief Judge

DB/lr

EXHIBIT 1h pp 12





OFFICE OF THE STATE APPELLATE DEFENDER  
FIRST JUDICIAL DISTRICT

203 North LaSalle Street • 24th Floor  
Chicago, Illinois 60601  
Telephone: 312/814-5472 • Fax: 312/814-1447  
www.state.il.us/defender • E-mail: 1stDistrict@osad.state.il.us

July 26, 2019

JAMES E. CHADD  
STATE APPELLATE DEFENDER

PATRICIA MYSZA  
DEPUTY DEFENDER

DOUGLAS R. HOFF  
ASSISTANT DEPUTY DEFENDER

CLAIRE MUSIAL  
DIRECTOR OF PARALEGAL  
DEPARTMENT

Mr. Peter Gakuba  
Register No. M52946  
Robinson Correctional Center  
13423 East 1150th Avenue  
Robinson, IL 62454

RE: *People v. Peter Gakuba*

Dear Mr. Gakuba:

I am in receipt of the letter you sent this office. Unfortunately, I do not see any pending petitions with Cook County. Should you have any questions, please direct them to your attorney, Mr. David Shapiro. Best of luck.

Sincerely,

A handwritten signature in cursive script, appearing to read "Claire Musial".

CLAIRE MUSIAL  
Director of Paralegal Department

EXHIBIT 1h PP 2/2

GAKUBA, PETER

CASE #

PL-PET.

v. BROWN, DOROTHY  
DEFT., RESP.

U.S.D.C. - N.D.IL.  
E.DIN.

COMPLAINT - MONETARY DAMAGES &

EQUITABLE RELIEF - TRD, PRELIM. & /OR PERM. INJUNCTION,

\* EMERGENCY \* DECLARATORY JUDGMENT, & /OR ANY OTHER RELIEF

## APPENDICES

EXHIBIT # 1 a-h : GAKUBA → 1<sup>ST</sup> CIR. COURT PERSONNEL CORRESPONDENCES  
JUNE 2019 TO AUGUST 2019

✓ EXHIBIT # 2 : VARIOUS COURT CLERKS' → GAKUBA CORRESPONDENCES  
a  
↓  
c  
APRIL 2019 TO JULY 2019

EXHIBIT # 3 : PRISON COPY & POSTAGE RECEIPTS FOR EXPENSES  
GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (HABEAS)

ATTACHMENT #1 : GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (HABEAS)

7-PAGE HABEAS PETITION w/ MOST SALIENT SUPPORTING RECORD(S)



**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

April 4, 2019

Peter Gakuba  
M52946  
13423 E. 1150th Avenue  
Robinson, IL 62454

RE: Gakuba v. Illinois  
ILSC No. 124481

Dear Mr. Gakuba:

The above-entitled petition for writ of certiorari was postmarked March 27, 2019 and received April 3, 2019. The papers are returned for the following reason(s):

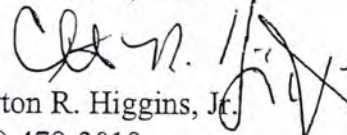
Page nine is missing from the petition for writ of certiorari.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,  
Scott S. Harris, Clerk

By:   
Clayton R. Higgins, Jr.  
(202) 479-3019

Enclosures

EXHIBIT 2a PP 41

MONDAY, JUNE 17, 2019

PETER GAKUBA (MS29446)

COURT CLERK

ROBINSON CC

IL SUPREME COURT

13423 E. 1150<sup>TH</sup> AVE.

200 E. CAPITOL AVE.

ROBINSON, IL 62454

SPRINGFIELD, IL 62701

VIA 1<sup>ST</sup> CLASS MAIL

RE: PEOPLE V. GAKUBA 2017 IL APP (2d) 150744-U

PRESERVATION OF APPEAL RECORD (ROP + CLR)

COURT CLERK:

THE APPEAL RECORD FOR 2-15-0744 WAS PAGINATED ONE WAY, ONLY FOR A SUCCESSIVE APPEAL  
(2-19-~~0744~~) (GAKUBA 2019 IL APP (2d) 170794-U) TO BE PAGINATED (w/ MISSING PAGES) ANOTHER WAY.

QUESTION: FOR HOW LONG IS THE APPEAL RECORD PRESERVED? FOR POSTERITY'S SAKE? (PRESENTLY, THIS  
WRONGFUL CONVICTION AWAITS A FED'L HABEAS APPEAL WHICH CITES ONLY TO THE COMPLETE / PERFECTED IL STATE  
APPEAL RECORD IN 2-15-0744 / GAKUBA 2017 IL APP (2d) 150744-U.)

AS THE FED'L HABEAS APPEAL MAY TAKE YEARS TO ADJUDICATE AND GAKUBA'S PROSE BRIEFING HAS / WILL  
CITE TO 2-15-0744'S APPEAL RECORD ONLY, PLEASE RESPOND IF / IF NOT YOUR COURT WILL PRESERVE THAT APPEAL  
RECORD FOR FURTHER REVIEW BY FUTURE COURTS OF REVIEW?

THANK YOU,

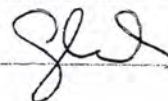


EXHIBIT 2b PP 1/2



MONDAY, JUNE 17, 2019

PETER GAKUBA (MS2946)

COURT CLERK

ROBINSON CC

2<sup>ND</sup> DISTRICT, IL. APP. CT.

13423 E. 1150<sup>TH</sup> AVE.

55 SYMPHONY WAY

ROBINSON, IL 62454

ELGIN, IL 60120

VIA 1<sup>ST</sup> CLASS MAIL

RE: PEOPLE V. GAKUBA 2017 IL APP (2d) 150744-U

PRESERVATION OF APPEAL RECORD (ROP + CLR)

COURT CLERK:

THE APPEAL RECORD FOR 2-15-0744 WAS PAGINATED ONE WAY, ONLY FOR A SUCCESSIVE APPEAL  
(2-19-~~0744~~) (GAKUBA 2019 IL APP (2d) 170744-U) TO BE PAGINATED (w/ MISSING PAGES) ANOTHER WAY.

QUESTION: FOR HOW LONG IS THE APPEAL RECORD PRESERVED? FOR POSTERITY'S SAKE? (PRESENTLY, THIS  
WRONGFUL CONVICTION AWAITS A FED'L HABEAS APPEAL WHICH CITES ONLY TO THE COMPLETE / PERFECTED IL. STATE  
APPEAL RECORD IN 2-15-0744 / GAKUBA 2017 IL APP (2d) 150744-U.)

AS THE FED'L HABEAS APPEAL MAY TAKE YEARS TO ADJUDICATE AND GAKUBA'S PROSE BRIEFING HAS / WILL  
CITE TO 2-15-0744'S APPEAL RECORD ONLY, PLEASE RESPOND IF / IF NOT YOUR COURT WILL PRESERVE THAT APPEAL  
RECORD FOR FURTHER REVIEW BY FUTURE COURTS OF REVIEW?

THANK YOU,

*gls*

EXHIBIT 26 PP 7/2



## SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING  
200 East Capitol Avenue  
SPRINGFIELD, ILLINOIS 62701-1721

June 19, 2019

CAROLYN TAFT GROSBOLL  
Clerk of the Court

(217) 782-2035  
TDD: (217) 524-8132

Peter Gakuba  
Reg. No. M-52946  
Robinson Correctional Center  
13423 East 1150<sup>th</sup> Avenue  
Robinson, IL 62454

FIRST DISTRICT OFFICE  
160 North LaSalle Street, 20<sup>th</sup> Floor  
Chicago, Illinois 60601-3103  
(312) 793-1332  
TDD: (312) 793-6185

Re: 2-15-0744 Case Record

Dear Mr. Gakuba:

This will acknowledge receipt of your letter on June 19, 2019.

You are advised that if you want copies of your appeal records or have questions regarding preservation of documents in the lower court, it will be necessary for you to contact the trial court in which your case originated (Winnebago County Circuit Court).

Very truly yours,

*Carolyn Taft Grosboll*

Clerk of the Supreme Court

CTG/ak

EXHIBIT 2c pg 1/2



RECEIVED

JUN 19 2019

ROBERT J. MANGAN, CLERK  
APPELLATE COURT 2ND DISTRICT

PETER GAKUBA (MS2944)

ROBINSON CC

13423 E. 1150<sup>TH</sup> AVE.

ROBINSON, IL 62454

MONDAY, JUNE 17, 2019

COURT CLERK

2<sup>ND</sup> DISTRICT, IL. APP. CT.

55 SYMPHONY WAY

ELGIN, IL 60120

VIA 1<sup>ST</sup> CLASS MAIL

RE: PEOPLE V. GAKUBA 2017 IL APP (2d) 150744-U

PRESERVATION OF APPEAL RECORD (ROP + CLR)

COURT CLERK:

THE APPEAL RECORD FOR 2-15-0744 WAS PAGINATED ONE WAY, ONLY FOR A SUCCESSIVE APPEAL  
(2-19-~~0744~~) (GAKUBA 2019 IL APP (2d) 170794-U) TO BE PAGINATED (w/ MISSING PAGES) ANOTHER WAY.

QUESTION: FOR HOW LONG IS THE APPEAL RECORD PRESERVED? FOR POSTERITY'S SAKE? (PRESENTLY, THIS  
WRONGFUL CONVICTION AWAITS A FED'L HABEAS APPEAL WHICH CITES ONLY TO THE COMPLETE / PERFECTED IL. STATE  
APPEAL RECORD IN 2-15-0744 / GAKUBA 2017 IL APP (2d) 150744-U.)

AS THE FED'L HABEAS APPEAL MAY TAKE YEARS TO ADJUDICATE AND GAKUBA'S 'PROSE' BRIEFING HAS / WILL  
CITE TO 2-15-0744'S APPEAL RECORD ONLY, PLEASE RESPOND IF / IF NOT YOUR COURT WILL PRESERVE THAT APPEAL  
RECORD FOR FURTHER REVIEW BY FUTURE COURTS OF REVIEW?

Mr. Gakuba,

After your appeal is finished,  
the appellate Record is returned to  
the trial court. It is no longer  
kept here.

THANK YOU,

*[Signature]*

*[Signature]*

EXHIBIT 2c PP 2/2



GAHUBA, PETER

CASE #

PL. PET.

v. BROWN, DOROTHY  
DEFT., RESP.

U.S.D.C. - N.D. IL.  
E.DIN.

COMPLAINT - MONETARY DAMAGES &

EQUITABLE RELIEF: TRD, PRELIM. & /OR PERM. INJUNCTION,

\* EMERGENCY \* DECLARATORY JUDGMENT, & /OR ANY OTHER RELIEF

## APPENDICES

EXHIBIT # 1 a-h: GAHUBA → 1<sup>ST</sup> CIR. COURT PERSONNEL CORRESPONDENCES  
JUNE 2019 TO AUGUST 2019

EXHIBIT # 2: VARIOUS COURT CLERKS' → GAHUBA CORRESPONDENCES  
a  
↓  
c  
APRIL 2019 TO JULY 2019

✓ EXHIBIT # 3: PRISON COPY & POSTAGE RECEIPTS FOR EXPENSES  
GAHUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (HABEAS)

ATTACHMENT #1: GAHUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (HABEAS)

7-PAGE HABEAS PETITION w/ MOST SALIENT SUPPORTING RECORDS



## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

Posting Document # \_\_\_\_\_ Date 6/12/2019

Offender Name GAKUBA, PETER ID# M52946 Housing Unit 2B(3-9)

Pay to RCC Library

Address 13423 E. 1150th Ave.

City, State, Zip Robinson, IL. 62454

The sum of 130 dollars and 70 cents charged to my trust fund account, for the purpose of Legal copies

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature [Signature] ID# M52946

Witness Signature C. Lee

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_

Postage applied in the amount of \_\_\_\_\_ dollars and \_\_\_\_\_ cents.

Distribution: Business Office, Offender, Mail Room

Printed on Recycled Paper

DOC 0296 (EH. 1/2006)  
(Replaces DC 828)

## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

Posting Document # \_\_\_\_\_ Date 6/12/2019

Offender Name GAKUBA, PETER ID# M52946 Housing Unit 2B(3-9)

Pay to ROBINSON CC

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

The sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents charged to my trust fund account, for the purpose of LEGAL MAIL (ZIP: 61201, 60601, 60601, 21202)

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature [Signature] ID# M52946

Witness Signature C. Lee

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_

Postage applied in the amount of 8 dollars and 75 cents.

Distribution: Business Office, Offender, Mail Room

Printed on Recycled Paper

DOC 0296 (EH. 1/2006)  
(Replaces DC 828)

EXHIBIT 3 pp 15

- 43,75641 -  
6/13/2019

Legal



## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

Posting Document # \_\_\_\_\_ Date 6/12/2019  
 Offender Name GAKUBA, PETER ID# M52946 Housing Unit 28(3-9)  
 Pay to ROBINSON CC  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

The sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents charged to my trust fund account, for the purpose of LEGAL MAIL (ZIP: 61201, 60601, 60601, 21202)

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature [Signature] ID# M52946

Witness Signature [Signature]

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_

Postage applied in the amount of 8 dollars and 50 cents.

Distribution: Business Office, Offender, Mail Room

Printed on Recycled Paper

DOC 0298 (EH. 1/2006)  
(Replaces DC 828)

*legal*

1-3772-91  
6.13.2019

## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

Posting Document # \_\_\_\_\_ Date 7/10/2019  
 Offender Name GAKUBA, PETER ID# M52946 Housing Unit 28(3-9)  
 Pay to RCC Library  
 Address 13423 E. 1150th Ave.  
 City, State, Zip Robinson, IL. 62454

The sum of 41 dollars and 60 cents charged to my trust fund account, for the purpose of Legal copies 416

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature [Signature] ID# M52946

Witness Signature [Signature]

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_

Postage applied in the amount of 7 dollars and \_\_\_\_\_ cents.

Distribution: Business Office, Offender, Mail Room

Printed on Recycled Paper

DOC 0298 (EH. 1/2006)  
(Replaces DC 828)

EXHIBIT 3, PP 215



## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

Posting Document # \_\_\_\_\_ Date 7/3/2019

Offender Name GAKUBA, PETER ID# 152946 Housing Unit 2B(39)

Pay to RCC Library

Address 13423 E. 1150th Ave.

City, State, Zip Robinson, IL. 62454

The sum of 51 dollars and 40 cents charged to my trust fund account, for the purpose of Legal copies

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature [Signature] ID# 152946

Witness Signature C. Lee

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_

Postage applied in the amount of \_\_\_\_\_ dollars and \_\_\_\_\_ cents.

Distribution: Business Office, Offender, Mail Room

Printed on Recycled Paper

DOC 0296 (Eff. 1/2008)  
(Replaces DC 828)

## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

Posting Document # \_\_\_\_\_ Date 7/10/2019

Offender Name GAKUBA, PETER ID# 152946 Housing Unit 2B(39)

Pay to ROBINSON CC

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

The sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents charged to my trust fund account, for the purpose of LEGAL MAIL (ZIP: 60608)

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature [Signature] ID# 152946

Witness Signature C. Lee

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_

Postage applied in the amount of 8 dollars and 50 cents.

Printed on Recycled Paper

EXHIBIT 3 PP 3/5

DOC 0296 (Eff. 1/2008)  
(Replaces DC 828)



2 COPIES

## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

Posting Document # \_\_\_\_\_ Date 7/22/2019  
 Offender Name GAHUBA, PETER ID# M52946 Housing Unit 2B(3-9)  
 Pay to RCC Library  
 Address 13423 E. 1150th Ave.  
 City, State, Zip Robinson, IL. 62454

The sum of 102 dollars and 10 cents charged to my trust fund  
 account, for the purpose of Legal copies

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic  
 funds transfers to be placed in the attached mail.

Offender Signature [Signature] ID# M52946  
 Witness Signature C. Reed

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_  
 Postage applied in the amount of \_\_\_\_\_ dollars and \_\_\_\_\_ cents.

Distribution: Business Office, Offender, Mail Room

Printed on Recycled Paper

DOC 0296 (EH. 1/2006)  
(Replaces DC 828)

## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

Posting Document # \_\_\_\_\_ Date 7/25/2019  
 Offender Name GAHUBA, PETER ID# M52946 Housing Unit 2B(3-9)  
 Pay to RCC Library  
 Address 13423 E. 1150th Ave.  
 City, State, Zip Robinson, IL. 62454

The sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents charged to my trust fund  
 account, for the purpose of Legal copies MAIL (ZIP: 60602 (D. BROWN) STATE HABEAS)

☒ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic  
 funds transfers to be placed in the attached mail.

Offender Signature [Signature] ID# M52946  
 Witness Signature C. Reed

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_  
 Postage applied in the amount of 8 dollars and 50 cents.

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## ILLINOIS DEPARTMENT OF CORRECTIONS

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The sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents charged to my trust fund  
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Offender Signature [Signature] ID# M52946

Witness Signature C. Lu

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_

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## ILLINOIS DEPARTMENT OF CORRECTIONS

## Offender Authorization for Payment

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Offender Signature [Signature] ID# M52946

Witness Signature C. Lu

☐ Approved ☐ Not Approved Chief Administrative Officer Signature \_\_\_\_\_

Postage applied in the amount of 8 dollars and 50 cents.

Distribution: Business Office, Offender, Mail Room

EXHIBIT 3 5/5

7.25.2019

48.50

DOC 0296 (EH. 1/2006)



GAKUBA, PETER

PL. PET.

CASE #

v. BROWN, DOROTHY  
DEFT., RESP.

U.S.D.C. - N.D.IL.  
E.DIN.

COMPLAINT - MONETARY DAMAGES &

EQUITABLE RELIEF - TRD, PREM. & /OR PERM. INJUNCTION,

\* EMERGENCY \* DECLARATORY JUDGMENT, & /OR ANY OTHER RELIEF

## APPENDICES

EXHIBIT # 1 a-h : GAKUBA → 1<sup>ST</sup> CIR. COURT PERSONNEL CORRESPONDENCES  
JUNE 2019 TO AUGUST 2019

EXHIBIT # 2 : VARIOUS COURT CLERKS' → GAKUBA CORRESPONDENCES  
a  
↓  
c  
APRIL 2019 TO JULY 2019

EXHIBIT # 3 : PRISON COPY & POSTAGE RECEIPTS FOR EXPENSES  
GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (HABEAS)

✓ ATTACHMENT #1 : GAKUBA v. NEESE ? (1<sup>ST</sup> CIR. CT., COOK CO.) (HABEAS)

7-PAGE HABEAS PETITION w/ MOST SALIENT SUPPORTING RECORD(S)



IN THE

CIRCUIT COURT, COOK COUNTY

GAKUBA, PETER

Plaintiff/Petitioner

Vs.

NEESE, MICHELLE

Defendant/Respondent

No. \_\_\_\_\_

HABEAS CORPUS WRIT

**PROOF/CERTIFICATE OF SERVICE**

TO: COURT CLERK  
CIRCUIT CT., COOK CO.  
2600 S. CALIFORNIA AVE.  
CHICAGO, IL 60601

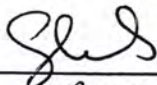
TO: MICHAEL L. CEBULA  
OFFICE - ATTY. GENERAL  
100 W. RANDOLPH ST., 12TH FL.  
CHICAGO, IL 60601

PLEASE TAKE NOTICE that at: 4/4 AM/PM JUNE 13, 2019, I placed the documents listed below in the institutional mail at \_\_\_\_\_ Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service.

① PETITION FOR HABEAS CORPUS WRIT (IL STATE) w/ ATTACHMENTS

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109 I declare, under penalty of perjury that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge and belief.

DATED: 6/13/2019

/s/   
Name: PETER GAKUBA  
IDOC No. 152946  
Robinson Correctional Ctr.  
13423 E. 1150th Ave.  
Robinson, IL 62454

TUESDAY, JUNE 11, 2019

PETER BAKUBA (MS2946)

COURT CLERK

ROBINSON CC

CIRCUIT COURT, COOK CO.

13423 E. 1150<sup>TH</sup> AVE.

2600 S. CALIFORNIA AVE.

ROBINSON, IL 62454

CHICAGO, IL 60608

(773) 674-3160

VIA 1<sup>ST</sup> CLASS MAIL

RE: BAKUBA V. MEESE 2-NEW CASE (CIR. CT., COOK CO.)

STATE HABEAS - CRIMINAL, NEW INDIGENT CASE

COURT CLERK:

ENCLOSED FOR PROMPT FILING IS MY 'PROSE' 7-PAGE STATE HABEAS - CRIMINAL. \*

I WILL BE SEEKING EXPEDITED REVIEW BEFORE THE TRIAL COURT, THEN, APPELLATE COURT.

THEREFORE, PLEASE RESPOND QUICKLY WITH THE DOCKETING/FILING DATE

AND ASSIGNED CASE NUMBER.

AS WELL, RESPOND QUICKLY WITH ANY DEFECTS SUCH THAT I CAN RE-FILE / CORRECT THEM.

THANK YOU,

gls

\* ATTACHMENTS MAY BE MAILED IN SEPARATE ENVELOPES.



PL-PET.

CASE #

V. HEESE, MICHELE  
DEPT. - RESP.

CIR. COURT, COOK CO.

PRISONER PETITION FOR IL. STATE HABEAS CORPUS WRIT FOR IMMEDIATE RELEASE

EVIDENTIARY HEARING REQUESTED

NOW COMES 'PRO SE' INDIGENT-IMPRISONED PL-PET. PETER GAKUBA IN THIS CAPTIONED RELIEF.

BAKUBA STATES THE FOLLOWING UPON KNOWLEDGE, INFO., + BELIEF. 735 ILCS 5/109

PETER GAKUBA DECLARES UNDER PENALTY OF PERJURY -

PREFACE: DUE TO PHYSICAL HANDICAP/DISABILITY -- CARPAL TUNNEL SYNDROME, OSTEOARTHRITIS (VERIFIED), AND POSSIBLY PARKINSON'S -- BAKUBA HAS APPENDED THE MOST RELEVANT PARTS OF THE DIRECT APPEALS RECORD ("A" REPORT OF PROCEEDINGS, "COMMON LAW RECORD") AND BOTH REFERENCES AND INCORPORATES THEM AS IF FULLY RESTATED HEREIN.

INTRODUCTION: IL. STATE HABEAS CORPUS WRITS ARE PREDICATED UPON 7 EXPLICITLY DEFINED REASONS FOR RELIEF. 735 ILCS 5/10-124. THIS PETITION REASONS THAT 3 CONTROL HERE:

(1) JURISDICTION LACKING - VOID INDICTMENT; (2) DUE PROCESS VIOLS. - FALSE PRETENSE + BRIBERY; POSSIBLY (W 1 + 2 REJECTED); (3) SUBSEQUENT ACT TAINTS PROCEEDING. HABEAS 1, 6, 2.

**\*\* FURTHER, GAKUBA'S FALSE IMPRISONMENT CONCLUDES APRIL 27, 2021 - IN 22 MONTHS -- \*\***

**\*\* NECESSITATING EXPEDITED REVIEW. \*\***

FINALLY, IN A CASE OF 1<sup>ST</sup> IMPRESSION WHEREBY ADJUDGED FRANKS PERJURED IL. STATE POLICE CHARLES O'BRIEN COMPELLED THE ILLEGAL DISCLOSURE OF GAKUBA'S BIOGRAPHICAL/ID EVIDENCE (SPECIFICALLY NAME + BIRTHDATE) FROM GAKUBA'S HOLLYWOOD VIDEO CUSTOMER ACCOUNT RECORDS SUCH THAT O'BRIEN COULD ILLEGALLY RECEIVE IT BEFORE AN IL. STATE "GRAND JURY" TO THEM INDICT, MALICIOUSLY PROSECUTE, AND WRONGLY CONVICT GAKUBA OF AN AGE-DEPENDANT CRIME; STATUTORY RAPE, WAS FLAGRANTLY IN VIOLATION OF FED'L LAW: THE VIDEO PRIVACY PROTECTION ACT ("VPPA") 18 USC § 2710(a), (b)(2)(c), (d), (e). 18 USC § 2710(d) SPECIFICALLY PROSCRIBES RECEIPT OF ILLEGALLY OBTAINED ID EVIDENCE BEFORE A "GRAND JURY". O'BRIEN WAS THE SOLE GRAND JURY WITNESS ANSWERING LEADING QUESTIONS FROM SUBORNER STATE PROSECUTOR KATE KURTZ. CONSEQUENTLY, ALL SUBSEQUENT RECEIPT OF GAKUBA'S BIRTHDATE WERE/ ARE FRUIT-OF-THE-POISONOUS-TREE. SEE ACCORD PEOPLE V. LOPEZ 2018 IL APP (1<sup>ST</sup>) 153331 (CITES TO



INS v. LOPEZ-MENDOZA 468 US 1032, 1039-40, 1050 (1984), LOPEZ 2018 AT RP 33-36). GAKUBA TOO CITED TO THIS AUTHORITY THROUGHOUT HIS CRIMINAL CASE IN IL. STATE AND FED'L COURT; ALL COURTS WILLFULLY, DELIBERATELY IGNORED THIS CONTROLLING FED'L LAW (18 USC § 2710 (d)) AND CASE (LOPEZ-MENDOZA). SO TOO DID ALL THE PRECEDING COURTS WILLFULLY, DELIBERATELY IGNORE THE KEY MATERIAL FACT: GAKUBA'S "BOOKING PROCESS" DENIAL AFFIDAVIT ANNOUNCED, FILED, AND HAND-TENDERED IN OPEN COURT -- PRO SE -- ON JUNE 5, 2014 (~ 1 YEAR BEFORE THE APRIL 27, 2015 (2.5) DAY JURY TRIAL, AND EXACTLY 1 YEAR AFTER THE TRIAL JUDGE (AS ADVOCATE) FALSELY CONTAINED THE ILLUSORY 'SUA SPONTE' CONCLUSORY RULING THAT GAKUBA'S BIRTHDATE WAS OBTAINED "INDEPENDENTLY" OF THE FLAGRANTLY EGREGIOUS STATE POLICE AND PROSECUTORIAL MISFEASANCE THRU AN "ASSUMED... BOOKING PROCESS.") THUS, THIS IS THE 1<sup>ST</sup> CASE IN YEARS WHEREBY A THUMB-ON-THE-SCALE BIASED AND PREJUDICED IL. STATE TRIAL JUDGE ENGAGED IN MALFEASANCE AS A FAVOR TO IL. STATE PROSECUTORS AND POLICE TO SECURE A NOW WRONGFUL CONVICTION PROMPTLY USED THEM TO DISMISS A PENDING 'PRO SE' FED'L SUIT THEY'RE CULPRITS (DEFS. IN: GAKUBA v. O'BRIEN 12CV4296 (N.D. IL.) (CERT # 279, PAGEID 1476 - "HECH" DISMISSAL DEFENSE ARGUMENT). THIS FAVORITISM / MALFEASANCE SATISFIES "6" OF IL. STATE HABEAS' "FALSE PRETENSE... BRIBERY" REASON, FOR, "CORRUPT" + "BAIBE" ARE SYNONYMOUS. THE 2<sup>ND</sup> DISTRICT IL. APP. CT.'S FAILURE TO VACATE THESE CONVICTIONS BOTH ON DIRECT AND POST-CONVICTION APPEALS BY IGNORING GAKUBA'S "BOOKING PROCESS" DENIAL AFFIDAVIT RENDERS THEM EITHER GROSSLY INCOMPETENT OR INSIDIOUSLY CORRUPT. SEE GAKUBA 2017 IL APP (2d) 150744-0, GAKUBA 2018 IL APP (2d) 170794-V.

ACCORDINGLY, AS ANY CIRCUIT COURT JUDGE CAN ISSUE A HABEAS WRIT -- WHO IS FAIR, IMPARTIAL AND CONSIDERATE OF THE MATTERS OF FACT AND LAW -- GAKUBA BRINGS THIS HABEAS RELIEF HERE; ESPECIALLY WHEN GAKUBA EXPECTS ORAL ARGUMENT IN GAKUBA v. NEESE 18-3398 (7th) TO OCCUR DURING THESE PROCEEDINGS.

JURISDICTION (CIR. CT.): SEE ACCORD WATKINS v. PAGE 322 IL. APP. 3d 360, 363 (2001) ("ONCE A CIR. CT. OBTAINS SUBJECT-MATTER JURISDICTION [I]T RETAINS THAT JURISDICTION UNTIL ALL ISSUES OF LAW AND FACT ARE DETERMINED [CITATIONS] THE HABEAS CORPUS ACT, WHICH GRANTS CIRCUIT COURT'S



AUTHORITY TO ISSUE WRITS OF HABEAS CORPUS, DOES NOT COMPILE THE COURTS' AUTHORITY TO ONLY THOSE WARRENS WITHIN ITS JURISDICTION. [ ] WE NOTE THAT ALLOWING A CIRCUIT COURT TO RETAIN JURISDICTION WILL NOT AFFECT THE LEGAL REPRESENTATION OF THE RESPONDENT. THE OFFICE OF THE IL. ATTORNEY GENERAL ACTS AS COUNSEL FOR HABEAS PETITIONS AGAINST ANY WARDEN IN THE DEPT. OF CORRECTIONS. ])

### FACTUAL BACKGROUND: (RELEVANT)

ON NOV. 4, 2006 IN THE COURSE OF A CRIMINAL INVESTIGATION PRECIPITATED BY A GAY TEEN RUNAWAY TRAFFICKING IN CHILD PORNOGRAPHY (E.G. USA v. VASTIS ? (H.D. IL.) (GAY TEEN CHILD PORNOGRAPHER FINGERS MIDDLE SCHOOL TEACHER VASTIS IN BID FOR LENIENCY)) "PETER GAKUBA" WAS IDENTIFIED AS THE PERSON "WHO [RENTED] THEIR MOVIES." (R 1700) MOVIES THAT COMPLAINANT M.S. STATED HE WATCHED W/ AN 18-YEAR OLD WHITE MALE NAMED PHIL." (PG MOVIES)

THIS IDENTIFICATION CAME ABOUT FROM THE ILLEGALLY COMPELLED DISCLOSURE BY IL. STATE POLICE CHARLES O'BRIEN SUPERVISED BY WINNEBAGO CO. "ASA" KATE KURTZ, IN VIOL. OF THE VPPA 18 USC § 2710(b)(2)(C) REQUIRING LEGAL PROCESS, BY ORDERING THE ILLEGALLY DISCLOSED HOLLYWOOD VIDEO CUSTOMER ACCT. RECORDS OF "GAKUBA." SEE CF CAMPFIELD v. CITY OF DKC 246 F.3d 1214 (10<sup>TH</sup> 2001). BY ORDERING THE ILLEGAL DISCLOSURE TO THESE LAW ENFORCEMENT AGENTS/ AGENCIES THAT SIMULTANEOUSLY VIOLATED 18 USC § 2710 (d)'S ILLEGALLY OBTAINED/RECEIVED STATUTE'S EXCLUSORY MANDATE-- THE ONLY LAW EXPLICITLY BARRING RECEIPT BEFORE ANY "GRAND JURY". O'BRIEN WAS THE SOLE GRAND JURY WITNESS; KURTZ THE SOLE ASA. O'BRIEN ILLEGALLY DISCLOSED/RECEIVED GAKUBA'S NAME + BIRTHDATE BEFORE THE DEC. 2006 GRAND JURY RESULTING IN GAKUBA'S INDICTMENT ON 3 COUNTS OF AGG. CRIMINAL SEXUAL ABUSE, 720 ILCS 5/12-16 (d), COMMONLY CALLED "STATUTORY RAPE." SEE PEOPLE v. EDWARDS 195 IL. APP. 3d 454, 455-56 (1990) (EXTRANEOUS EVIDENCE INTERWINDING W/ CONTINUOUS NARRATIVE WAS NOT RELEVANT TO PROVE ELEMENTS OF OFFENSE WHICH WERE SIMPLY PARTIES' AGES AND SEXUAL ACTIVITY).

THE SEXUAL ACTIVITY WAS "SEXUAL PENETRATION" VS. "SEXUAL CONDUCT." THEY ARE MUTUALLY EXCLUSIVE. PROOF OF ONE CANNOT LEAD TO CONVICTION OF THE OTHER AS HAD HAPPENED HERE, SEE PEOPLE v. LARA 2012 IL 112370 (2012) (DISCUSSES DIFFERENCES, CITING TO PEOPLE v. JARGENT 239 IL 2d 166 (2010)).

GAKUBA'S NAME + BIRTHDATE/AGE WAS ILLEGALLY OBTAINED, FIRST AND FOREMOST, FROM HIS HOLLYWOOD VIDEO



CUSTOMER ACCT. RECORDS BY O'BRIEN + KURTZ IN VIOL. OF 18 USC § 2710(b)(2)(C), THEN § 2710(d), AND PERPETUALLY NOW § 2710(e). SEE ACCORD AMAZON V. LAY 758 F. SUPP. 2d 1154, 1160-63, 1167-71 (D.WA 2010); CB DANLSTROM V. SUTTIMES 777 F.3d 937 (7<sup>th</sup> 2015) (VPPA, LIKE VPPA, BARS ILLEGAL DISCLOSURE/RECEIPT OF "PERSONAL INFO." (I.E. BIRTHDATE)) (18 USC § 2421 ET SEQ., 18 USC § 2710 (a)).

THEREAFTER, ON NOV. 4, 2006 THEY WENT FROM THE VIDEO STORE TO THE ROCHESTER, IL. MARRIOTT, ACCORDING TO KURTZ'S EXCITED UTTERANCES AS SHE HAD PERSONAL KNOWLEDGE AS INVESTIGATION SUPERVISOR. "HEY, DO YOU HAVE A GUY HERE BY THIS NAME. GEE, WE SURE DO [ ] AT THAT POINT THEY ABSOLUTELY 100% HAD PROBABLE CAUSE." (R494) MORE "PERSONALLY IDENTIFIABLE INFO." (PII) WAS FRUIT OF THE POISONOUS-TREE: THE ROOM # OF BAKUBA'S LAWFUL AND PRIVATELY OCCUPIED ROOM. THE FIRST ITEMS SEARCHED AND SEIZED PER THIS ILLEGAL 4<sup>TH</sup> AMEND. / BROWN/DUNAWAY HOME INVASION WAS BAKUBA'S WALLET CONTENTS -- SPECIFICALLY DRIVER'S LICENSE -- USED TO FALSIFY BAKUBA WAS "WHO" RENTED "THAT MOVIE." (R1700)

AS A COVER-UP, 3 EX POST/POST HOC SEARCH WARRANTS WERE OBTAINED THEN LATER QUASHED PER FRANKS FOR CONTAINING "MATERIAL MISREPRESENTATIONS [AND OMISSIONS] IN RECKLESS DISREGARD FOR THE TRUTH." (R803)

O'BRIEN WAS THE LEAD INVESTIGATOR; SOLE GRAND JURY WITNESS; PRIMARY WITNESS IN A DEC. 2008 5<sup>TH</sup>/6<sup>TH</sup> AMENDS. VIOL. HEARING (R226-288); SOLE WITNESS IN A JUNE 13, 2011 BROWN/FRANKS HEARING (R700); + KEY MATERIAL WITNESS AT BAKUBA'S APRIL 2013 2.5 DAY JURY TRIAL. (R2256-57, R2264) O'BRIEN (+ KURTZ) COMMITTED TO MEMORY BAKUBA'S BIRTHDATE ALL THROUGHOUT THIS CASE: THE 1<sup>ST</sup> CASE EVER WHERE THE CRIMINAL INDICTMENT IS VOID AS ARE THE POISONED FRUIT PER 18 USC § 2710(d)'S EXCLUSIONARY MANDATE: BAKUBA'S WRONGFUL CONVICTIONS, WHICH THE STATE AND ALL PRIOR COURTS INSIST IS SUPPLANTED BY THE SUBSEQUENT 4<sup>TH</sup> AMEND. VIOLATION'S "EXCLUSIONARY RULE." SEE ACCORD US V. WILSON 630 F.2d 750, 753 (11<sup>th</sup> 2015) ("THE AVAILABILITY OF THE SUPPRESSION REMEDY FOR... STATUTORY AS OPPOSED TO CONSTITUTIONAL VIOLATIONS... TURNS ON THE PROVISIONS OF THE STATUTE RATHER THAN THE JUDICIALLY FASHIONED EXCLUSIONARY RULE AIMED AT DETERRING VIOLATIONS OF 4<sup>TH</sup> AMEND. RIGHTS. US V. DONOVAN 424 US 413, 432 n. 22 (1974))

THUS, THE ILLEGAL 4<sup>TH</sup> AMEND. / BROWN/DUNAWAY HOME INVASION WHICH IMMEDIATELY FOLLOWED THE VPPA 18 USC § 2710(b)(2)(C), (d) VIOLATION REQUIRES THAT THE 4<sup>TH</sup> AMEND. / ART. 1 § 6 PROTECTIONS FORTIFY -- BUT DO NOT REPLACE -- THE VPPA'S EXCLUSIONARY AUTHORITY: 18 USC § 2710 (d).

ALTERNATIVELY, THEY WRONGLY INSIST THAT A FALSE/FABRICATED "BOOKING PROCESS-VERSION" (R2222)



AND GARUBA'S PURPORTED FABRICATED HEARSAY RESPONSE EXTENDS MUNIZ'S 5<sup>TH</sup> AMEND. PROTECTION  
 EXCEPTIONS TO VIOL. OF 18 USC § 2710 ET SEQ. IMMEDIATELY PRECEDED BY AN ILLEGAL 4<sup>TH</sup> AMEND. / BROWN /  
 DUNAWAY HOME INVASION. THIS IS OBJECTIVELY UNREASONABLE, AND, NEITHER THE STATE NOR ALL THE PRIOR  
 IL. STATE + FED'L COURTS CITE TO AUTHORITY FOR THEIR FANCIFUL AND CONJUNCTORY APPLICATION OF LAW.  
 28 USC § 2254 (d)(1), (2). MOREOVER, THEY WILLFULLY / DELIBERATELY IGNORE ALL GARUBA'S CITED CASE  
 LAWS: STATE v. MALDONADO-ARREAGA 772 N.W. 2d 74 (Mn. App. 2004) (DIRECT APPEAL GARUBA 2017);  
HAMILSON v. VILLAGE OF OAKLAH 735 F.3d 967, 970 (7<sup>TH</sup> 2013) ("BOOTSTRAPPING" ILLEGALLY OBTAINED EVID-  
 ENCE AS PROBABLE CAUSE FOR LAWFUL ARREST PROSCRIBED; SIBRON v. NY 392 US 40, 62-63 (1968));  
US v. IEMCO 662 F.3d 517, 525-532 (7<sup>TH</sup> 1999) (DISCUSS FRUIT-OF-POISONOUS-TREE DOCTRINE; BROWN);  
OWENS v. DUNCAN 761 F.3d 360, 362 (7<sup>TH</sup> 2015) (GARUBA'S HABEAS); US v. ZAPIEN 861 F.3d 971, 975 (9<sup>TH</sup> 2017);  
LOHBE v. BUTLER 874 F.3d 544, 546 (7<sup>TH</sup> 2017); US v. SANCHEZ 817 F.3d 38, 41, 46 (1<sup>ST</sup> 2016); AND  
US v. HASTINGS 246 F.Supp. 3d 1163, 1167-68, 1178, 1181-83 (E.D.TX. 2017). CONTRA RIVERA v. THOMPSON  
 879 F.3d 7, 15 (1<sup>ST</sup> 2018); US v. ROCHE-MARTINEZ 467 F.3d 591, 593-94 (7<sup>TH</sup> 2016).  
 SEE GARUBA v. NEESE 18-3796 (7<sup>TH</sup>) (FED'L HABEAS) (PET. P. 24, REPLY P. 9): "IN SHORT, THE STATE AND  
 THUMB-ON-THE-SCALE PRIOR IL + FED'L JUDGES' BIAS AND PREJUDICE SERVED TO PROMOTE THE OUTLANDISH  
 CLAIM THAT O'BRIEN CAN BE ORDERED TO SUPPRESS HIS MEMORY OF GARUBA'S BIRTHDATE IN HANDWRITTEN  
 NOTES (C 2204-05) (ATTACHMENT #1) (LEAST HE FORGET) CORROBORATED BY GARUBA'S DRIVER'S LIC.  
 PHOTO COPIED (C 2366-72; RM48; TRIAL EXH. #19) (ATTACHMENT #1) (LEAST O'BRIEN FORGET), THEN, UPON  
 FORGETTING GARUBA'S BIRTHDATE, INSTEAD REMEMBERS FOR NEARLY 9 YEAR'S GARUBA'S BIRTHDATE FROM  
 A "BOOKING PROCESS-VERSION" O'BRIEN FORGOT TO WRITE DOWN BECAUSE IT NEVER HAPPENED IN THE FIRST  
 PLACE. THE PROVERB OF LAW TO DECLARE MISTRIALS IS: "YOU CANNOT UNTOLL A RINGING BELL" IF A JURY  
 CANNOT BE ORDERED TO FORGET ILLEGAL EVIDENCE IT WAS IN RECEIPT OF, NEITHER CAN O'BRIEN - A FRANKIE  
 PERJURER, AND, NOW, A MAJOR PERJURER TOO. FALSUS IN UNO, FALSUS IN OMNIBUS.

## ARGUMENT

GARUBA'S DEC. 2006 IL. STATE CRIMINAL INDICTMENT IS VOID PER 18 USC § 2710(b)(2)(c), (d)  
 AND SUBSEQUENT EVASIVE EX POST / POST HOC FABRICATED IRRATIONALIZATIONS TO GARUBA'S ILLEGAL  
 BIRTHDATE PROCUREMENT TO AN "INDEPENDENT... ASSUMED BOOKING PROCESS-VERSION" HAD NO



SUPPORT IN THE RECORD: THE RANK MAJORITY OF THUMB-ON-THE-SCALE IRRATIONALLY BIASED +  
PREJUDICED CURRENT/FORMER IL JUDGES (ATTACHMENT #5-8)

AGAIN, HABEAS MUST IMMEDIATELY ISSUE IF BY CLEAR AND CONVINCING EVIDENCE THAT ONE OR  
MORE NARROWLY DEFINED REASONS (OF 7) HAVE BEEN MET. GABUBA SEEKS HABEAS RELIEF ON REASONS  
1, 2, + 6.

THE JUNE 5, 2014 "AFFIDAVIT OF PETER GABUBA STATING THAT HE GAVE NO TESTIMONIAL EVIDENCE  
OR STATEMENTS DURING HIS NOV. 2006 'BOOKING PROCESS'" IS CONCLUSIVE SUBSTANTIVE DISPOSITIVE  
EVIDENCE IN GABUBA'S FAVOR. (C 236-72) (ATTACHMENT #1) (R4448) (R1484)

ON POINT: US v. ZAPIEN 861 F.3d 971, 975 (9<sup>th</sup> 2017) (CITES US v. PACHECO-LOPEZ 531 F.3d 420, 424-25  
(6<sup>th</sup> 2003)) ("THE LOCATION, THE NATURE OF THE QUESTIONING, AND THE FAILURE TO TAKE NOTES OR DOCUMENT  
THE DEFT'S IDENTITY ALSO SUPPORT OUR CONCLUSION THAT THE BOOKING EXCEPTION IS NOT APPLICABLE IN  
THIS CASE.") (EMPHASIS)

APRIL 28, 2015 THE COURT (R226) (JURY TRIAL): "LET ME ADD SOMETHING. THE FACT HE DIDN'T WRITE IT  
IN HIS REPORT, SO WHAT? IMPEACH HIM ON THAT. I STILL NEED TO KNOW WHERE HE OBTAINED THIS  
INFORMATION." OF COURSE, THE "REPORT" WASN'T EVEN AUTHORED BY O'BRIEN WHO FALSELY TESTIFIED  
THAT IT WAS. BALSLEY AUTHORED IT. (C 236-72; TRIAL EXH. #19-20) (ATTACHMENT #1, 7)

SEE ALSO CAIREL v. ALGERSON 821 F.3d 823, 830 (7<sup>th</sup> 2016) (AFFIDAVITS ARE ADMISSIBLE EVIDENCE);  
FIGUERA v. MAZZA 825 F.3d 89, 109 n. 15 (2<sup>nd</sup> 2016) (AFFIDAVITS ARE SUBSTANTIVE EVIDENCE).

ON POINT: RECORD PEOPLE v. WHITEFIELD 2017 IL APP (2d) 140878 RT 100-101 (ALL UNRECORDED  
HEARSAY STATEMENTS POLICE ALLEGED DEFENDANT MADE, WHICH DEFENDANT DENIES HAVING MADE, ARE  
INADMISSIBLE); SEE ALSO PEOPLE v. LITTLE 2016 IL APP (3d) 140124 RT 47 (ALL PURPORTED INCULPATORY  
STATEMENTS / ADMISSIONS NOT AUDIOVIDEO RECORDED ARE INADMISSIBLE); "SIMILARLY, THE STATUTORY LANGUAGE  
DOES NOT LIMIT THE VIDEO TAPING REQUIREMENTS TO INVESTIGATIONS SOLELY RELATED TO MURDER CASES."  
725 ICS 5/103-2-1(b) (VESTAL 2010) -- AUDIOVIDEO RECORDINGS OF CUSTODIAL INTERROGATIONS)

CONSEQUENTLY, ADJUDGED FRANK'S PERJURER O'BRIEN'S GRAND JURY TESTIMONY AS TO GABUBA'S  
NAME + BIRTHDATE WERE POISONED FRUIT PROHIBITED BY CLEAR FED'L LAW: 18 USC § 2381(d).

THE RESULTANT INDICTMENT IS VOID AS A RESULT FOR w/o GABUBA'S BIRTHDATE BEING "ILLEGALLY



DISCLOSED (18 USC § 2710(a), (b)(2)(c)) THEN THIS ILLEGAL OBTAINMENT PII RECEIVED BY EVERY AUTHORITY AND EVERY "OTHER PROCEEDING" INCLUDING A "BRAND JURY" (18 USC § 2710(d)) MEANT THAT THE REQUIRED CRIMINAL ELEMENTS FOR AGG. CRIM. SEX. ABUSE HAD NOT BEEN MADE BEFORE THE BRAND JURY AND THE INDICTMENT WAS PROCURED SOLELY W/ LEGALLY INSUFFICIENT EVIDENCE.

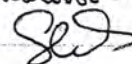
IN CONCLUSION, THE VALIDITY OF AN INDICTMENT IS PROPERLY CHALLENGED BY HABEAS CORPUS IF IT IS IN PART VOID, FOR A VOID INDICTMENT CONFERES NO JURISDICTION UPON THE COURT. SEE PEOPLE EX REL. KELLEY V. FRYE 41 ILL. 2d 237, 242 (IL 1968) (INDICTMENT HAS TO ALLEGE ALL THE FACTS CONSTITUTING ALL ELEMENTS OF CRIME CHARGED) (HABEAS #1)

IN CONCLUSION, THE "FALSE PRETENSE" REASON IS SELF-EVIDENT: GARUBA'S "BOOKING PROCESS" DENIAL AFFIDAVIT EXPOSES ADJUDGED FRANKS PERJURER O'BRIEN (+ SUBORNER ASA KURTZ) TO BECOME A MAJUE PERJURER FOR TESTIFYING TO A FALSE/FABRICATED "BOOKING PROCESS-VERSION" (R2262); A PURPORTED FABRICATED HEARSAY RESPONSE FALSELY ATTRIBUTED TO GARUBA. "FALSE PRETENSE" MEANS "FALSE STATEMENTS" WHICH IS SYNONYMOUS W/ "PERJURY."

THE PREVIOUS IL. APP. CT. RULINGS COMPRISED A CRAZY QUILT OF IRRELEVANT LEGAL DOCTRINES STITCHED TO POINTLESS CASE LAWS -- UNGOVERNED BY LAW, UNRESTRAINED BY THE RECORD. HABEAS CORPUS (FEDL, 28 USC § 2254) IS A GUARD AGAINST EXTREME MALFECTIONS IN THE STATE CRIMINAL JUSTICE SYSTEM. HERE, THE MOTIVE WAS MALICE: A TRIAL CT. WITH ITS THUMB ON THE SCALE OF JUSTICE, ECLIPSED BY AN APPEALS CT. W/ A 5-FINGERED FIST. GARUBA'S 3 SUBSTITUTION OF JUDGE FOR CAUSE MOTIONS WERE WRONGLY DENIED, UPHOLD ON APPEAL. THIS WAS MALFEASANCE WHICH IS SYNONYMOUS W/ "CORRUPT" WHICH IS LIKEWISE TO "BRIBE." (HABEAS #6)

IT IS WELL ESTABLISHED THAT TRIAL BEFORE A BIASED JUDGE IS STRUCTURAL ERROR, AS OCCURRED HERE. MOREOVER, A WRONGLY DENIED SUB. OF JUDGE RENDERS ALL SUBSEQUENT TRIAL COURT RULINGS VOID; AS SHOULD HAPPEN HERE. (HABEAS #2)

VERIFICATION-CERTIFICATION: UNDER PENALTIES AS PROVIDED PER 735 ILLCS/109 GARUBA CERTIFIES THAT THE ABOVE STATEMENTS ARE TRUE + CORRECT TO THE BEST OF HIS KNOWLEDGE + BELIEF-

 6/12/2019

PETER GARUBA (MS2946)  
13423 E. 1150<sup>TH</sup> AVE. ROSELAND, IL 62459



PL.-PET.

v. NEESE, MICHELE  
DEPT. - RESP.

CIRCUIT COURT, COOK CO.

PRISONER PETITION FOR IL. STATE HABEAS CORPUS WRIT FOR IMMEDIATE RELEASE

## APPENDIX

ATTACHMENT #1: GAKUBA V. NEESE 18-3398 (7<sup>TH</sup> CIR.) (FED'L HABEAS)

MOTION - ADD'L CASE LAWS (STATE V. LOCKLEAR 138 N.C. APP. 549 (2000))  
(531 S.E. 2d 853 (2000))

ATTACHMENT #2: GAKUBA V. NEESE 18-3398 (7<sup>TH</sup> CIR.)

MOTION - ADD'L CASE LAW (PEOPLE V. LOPEZ 2018 IL APP (1<sup>ST</sup>) 153331)  
(112 N.E. 3d 1069)

ATTACHMENT #3: GAKUBA V. ILLINOIS 18-9041 (U.S. CT.) (2019 LEXIS 3865 (CERT. DENIED))

PET. WRIT OF CERTIORARI

ATTACHMENT #4: GAKUBA V. NEESE 18-3398 (7<sup>TH</sup> CIR.)

PET. CERT. OF APPEALABILITY (28 USC § 2253, F.R. APP. P. 22)

ATTACHMENT #5: GAKUBA 2017 IL APP (2d) 150744-U

JUNE 5, 2013 - "REPORT OF PROCEEDINGS"

TRIAL JUDGE (AS ADVOCATE) "ASSUMING" "BOOKING PROCESS" (R1075-76)

ATTACHMENT #6: GAKUBA 2017 IL APP (2d) 150744-U

JUNE 5, 2014 - R.O.P.

GAKUBA AFFIDAVIT DENIAL: ANNOUNCED, HAND-TENDERED, FILED COURT

ATTACHMENT #7: GAKUBA 2017 IL APP (2d) 150744-U

APRIL 27, 2015 - R.O.P. - SIVERRA SUBORN NARVE PERJURY

FRANKS (NOW NARVE) PERJURER O'BRIEN'S JURY TRIAL TESTIMONY

ATTACHMENT #8: GAKUBA 2017 IL APP (2d) 150744-U (ECF #21: ATTACH #3 GAKUBA 17CV05429)

SEPT. 26, 2014 - "COMMON LAW RECORD"

GAKUBA'S 'PROSE' "MOTION TO DISMISS INDICTMENT"



2842-2843

MOTION

2858-2863 GRAND JURY

TESTIMONY

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 17<sup>th</sup> JUDICIAL CIRCUIT  
COUNTY OF WINNEBAGO

Date:

9.26.14

*Norman A. Klein*  
Clerk of the Circuit Court

By *[Signature]* Deputy  
Winnebago County, IL

PEOPLE OF THE STATE OF ILLINOIS )

v. )

No. 06-CF-4324

Judge John R. Truitt

PETER GAKUBA )

**DEFENDANT'S MOTION TO DISMISS INDICTMENT  
GAKUBA'S DATE-OF-BIRTH OBTAINED IN VIOLATION OF THE VPPA**

NOW COMES *pro se* Defendant PETER GAKUBA ("defendant" or "Gakuba"), and respectfully moves to dismiss the indictment as Gakuba's date-of-birth and driver's license information (as shown in "Offer of Proof #1") (*See Deft. Exh. 2*) were disclosed unlawfully to state police and law enforcement when they obtained them both, first and foremost, from Gakuba's Hollywood Video customer account records. This "personally identifiable information" shall not be received in or before a "grand jury" or "officer" or "other authority of the United States, a State, or a political subdivision of a State." 18 U.S.C. § 2710(d)

The motion contains a verification by certification statement incorporated herein in compliance and pursuant to 735 ILCS 5/109.

**DECLARATION UNDER PENALTY OF PERJURY**

I, Peter Gakuba, declare:

**I. INTRODUCTION AND BACKGROUND**

1. On November 4, 2006 during the course of a criminal investigation undertaken by state police (in conjunction with federal FBI special agents under the "Collective Knowledge Doctrine" a/k/a "Fellow Officer Rule") Gakuba's date-of-birth and driver's license information were unlawfully obtained.



2. This criminal investigation blossomed from a missing person's report of a gay juvenile runaway, M.S. After first truthfully stating he was running away from a devout Catholic homophobic family who persecuted him, upon the parents rebutting this claim through the revelation that M.S. was taking naked photos of himself (producing child pornography) and trading these naked "selfies" for the naked "selfies" of other children, the running away story became a sex offense story designed to deflect the parent's rage over their son's child porno-holism.

3. This is not the first time a false rape allegation was made to deflect a parent's anger towards their progeny for perverted behavior. See "Virginia mangles justice in wrongful conviction case." [http://www.washingtonpost.com/opinions/virginia-continues-to-mangle-justice-in-johnathan-montgomery-case/2013/12/26/6dd687a2-6c13-11e3-aecc-85cb037b7236\\_story.html](http://www.washingtonpost.com/opinions/virginia-continues-to-mangle-justice-in-johnathan-montgomery-case/2013/12/26/6dd687a2-6c13-11e3-aecc-85cb037b7236_story.html) (visited 01/11/2014)

"In 2007, as a teenager, [the alleged victim] accused Mr. Montgomery of having assaulted her six years earlier, when she was 10 and he was 14. When she recanted last year – apparently overcome by guilt – she said she had invented the story to deflect her parents' anger when they caught her surfing pornography on the Internet."

4. The Duke lacrosse players' case, along with the Scottsboro boys, both serve as other ~~exemplars~~ of such ulterior motives by an accuser of ~~sex crimes to deflect~~ or distract attention away from themselves and their own perversions or dysfunctions.

#### **A. John Doe Suspect – "Who" Rented Those Videos?**

5. The criminal investigation had a John Doe suspect – as the alleged victim claimed he met with "Phil" described to be an 18-year old white male. "Phil" and the alleged victim had purportedly spent the night at a Rockford area hotel. The alleged victim could not recall if it was the Holiday Inn or the Marriott, and state police did not transport the alleged victim to either hotel or inn in furtherance of their investigation.



6. Rather, the criminal investigators checked the hotel guest registries and found no “Phil” checked-in. Not to be deterred, the criminal investigators recalled the alleged victim claiming he had watched Scary Movies 1, Scary Movies 2, and Scary Movies 3 while “Phil” slept and the alleged victim remained awake all night.

7. In violation of the Video Privacy Protection Act (the “VPPA”), 18 U.S.C. § 2710 et seq., the crime investigators contacted the nearest Hollywood Video store closest to the hotels in question. Without first obtaining a warrant, subpoena or court order, as required under the law, the criminal investigators obtained the “personally identifiable information” of just “who” rented Scary Movies 1, Scary Movies 2, and Scary Movies 3. 18 U.S.C. § 2710(b)(2)(C).

8. The “personally identifiable information” disclosed unlawfully included Gakuba’s date-of-birth and Gakuba’s driver’s license information later corroborated by the illegal seizure of Gakuba’s driver’s license itself when a *Payton* warrantless arrest occurred thereafter.

9. After obtaining Gakuba’s identity (i.e. first and last name), Gakuba’s date-of-birth, Gakuba’s address and telephone numbers (home and work), Gakuba’s driver’s license information – all disclosed by Hollywood Video and conveyed to the criminal investigators by telephone for which they hand wrote this information as State’s discovery document “S-1171” of +5000 pages of discovery in this criminal case, these criminal investigators than perpetuated their lawlessness by a 4<sup>th</sup> Amendment violation without exigency and without probable cause into Gakuba’s lawfully and privately rented Marriott hotel room as they now had Gakuba’s name and easily matched it to the hotel guest registry.

10. Not sure if the room occupant was, in fact, the person who rented the movies disclosed unlawfully to these criminal investigators, they entered Gakuba’s home and at gunpoint demanded Gakuba give them his government issued identification: Gakuba’s driver’s license



which corroborates the driver's license information contained in the Hollywood Video customer account records.

11. Afterwards, Gakuba was illegally arrested in a *Payton* warrantless arrest, charged by criminal information and posted bail on November 4<sup>th</sup> and 5<sup>th</sup> of 2006.

12. In December 2006, Gakuba was then charged by a superseding criminal indictment.

13. The grand jury heard from only one witness: Charles O'Brien ("O'Brien") who was the state police officer that obtained Gakuba's Hollywood Video customer account records which handwritten notes reveal now as undisputed fact.

14. The grand jury colloquy has state prosecutor Kate Kurtz ("Kurtz") who supervised the criminal investigation, as a fact witness, and now impermissibly has been permitted to be the state prosecutor too, asking O'Brien Gakuba's date of birth and age.

15. On December 20, 2006 the following Grand Jury testimony took place and is quoted liberally as it undisputedly reveals evidence that was submitted in violation of the VPPA:

(See Deft. Exh. 1: Grand Jury transcript)

(state prosecutor Kurtz, state police O'Brien)

KURTZ: Was Matthew interviewed and did he state he met the defendant on the internet, specifically MySpace, ad that Matthew told the defendant he was 14 years old?

O'BRIEN: Yes, he did.

KURTZ: Did Matthew state that the defendant told him he was 18 years old?

O'BRIEN: Yes, he did.

\*\*\*

KURTZ: Is Peter Gakuba's date of birth November 21<sup>st</sup> of 1969 and was he 37 years old at the time of these events?



16. On September 24, 2014 Gakuba discovered “S-1171” which is State’s discovery of state police handwritten notes of the Hollywood Video customer account information records obtained by state police when they unlawfully were attaining the identity-related evidence of who rented Scary Movies 1, Scary Movies 2, and Scary Movies 3.

17. On September 24, 2014 Gakuba prepared an “Offer of Proof #1: Exclude Age and Date-of-Birth” based upon this finding. *See Deft. Exh. 2: Offer of Proof.*

18. This “smoking gun” (“S-1171”) demonstratively proves that Gakuba’s date-of-birth and driver’s license information were first and foremost obtained from Hollywood Video customer account information records.

19. Suppression of this evidence directly obtained in violation of the VPPA and any evidence derived from it, shall not be received in or before a “grand jury” – as it illegally had been in the case at bar.

## II. DISCUSSION AND ARGUMENT

20. The VPPA contains a legislatively created rules of evidence exclusionary authority whereby this federal privacy statute plainly states that

VPPA, 18 U.S.C. § 2710(d)

**“Personally identifiable information.** – Personally identifiable information obtained in any manner other than as provided in this section shall not be received in evidence in any trial, hearing, arbitration, or other proceeding in or before any court, **grand jury**, department, **officer**, agency, regulatory body, legislative committee, **or other authority of the United States, a State, or a political subdivision of State.**

21. In *USA v. Doss*, 13-1001 (7<sup>th</sup> Cir.) p. 9, discusses “means of identification” in the context of federal aggravated identity theft law.

“18 U.S.C. § 1028(d)(7) provides:



(7) the term “means of identification” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any

- (A) **name, social security number, date of birth**, official State or government issued **driver’s license or identification number**, government passport number, employer or taxpayer identification number;
- (B) **unique biometric data**, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
- (C) unique electronic identification number, address, or routing code; or
- (D) telecommunication identifying information or access device ... [.]

22. O’Brien, supervised by Kurtz, violated this federal privacy law by being law enforcement authorities who failed to obtain the mandatory legal process (i.e. warrant, subpoena, or court order). 18 U.S.C. § 2710(b)(2)(C). They did so on November 4, 2006 by stealing Gakuba’s identity during the course of a criminal investigation. Thereafter, they lied about it in false affidavits which a state trial court ruled *Franks* violations had occurred. Employing a protective order over the case file tolled discovery by Gakuba as it was only in June 2011 that Gakuba had (limited) access to case discovery – and discovered the violation of the VPPA having been perpetrated by these defendants.

23. The undisputed facts are that Gakuba’s date-of-birth and driver’s license information were obtained before the subsequent undisputed home invasion had occurred to illegally arrest Gakuba absent exigency or probable cause (remember Kurtz volunteered that probable cause came from identifying Gakuba as being the movie video renter connecting Gakuba to the alleged victim, otherwise they had a “John Doe” suspect named “Phil” who was 18 years old).

24. The state trial court ruled that these facts came about from the “booking process.”

25. This is clear error.



26. Gakuba was booked into the Winnebago Co. Jail at 11:52 PM CST on November 4, 2006. However, his Hollywood Video customer account information detailing Gakuba's date-of-birth and driver's license information were disclosed before the approximate 7:00 PM CST warrantless home invasion without exigency into Gakuba's Marriot hotel room. (State police *did* obtain a "consent" form from the Marriot hotelier, the wrong authority, then in suppression hearings falsely testified they had exigency when the undisputed evidence revealed they obtained consent – but from the wrong authority.) **See Offer of Proof #1.**

27. Consequently, the fact pattern of this case is analogous to a two-step interrogation: use illegally obtained evidence to then legally obtain that very same evidence.

28. **It is an uncontroverted legal principle that once a bell has been rung, you cannot un-toll it.**

29. Here, all the facts that exist in this case came about first and foremost from the illegal disclosure and receipt of Gakuba's "personally identifiable information" which specifically the state police handwritten notes of "S-1171" reveal to be:

- a) Gakuba's name,
- b) address,
- c) telephone numbers,
- d) date-of-birth,
- e) driver's license information,
- f) along with the relevant movie titles.

30. The purpose of writing this information down was to then proceed to use it, and, use it they did – flagrantly and egregiously – through the deliberate and exploitative violation of this federal privacy law which forbids poisoned-fruit evidence from being received as evidence in



or before a grand jury. As well, it is not to be received as poisoned-fruit evidence before an “officer” for which state police are, along with the court officer being state prosecutors too. 18 U.S.C. § 2710(d).

31. The grand jury proceeding, as brief as it was, reveals that the age of the suspect that the alleged victim had purported to be – was 18 years old.

32. The age of “Peter Gakuba” was stated to be 37 years old before the grand jury, based upon the illegal obtainment of Gakuba’s date-of-birth in violation of the VPPA.

33. When an illegal arrest occurs, as had occurred here, the only evidence that survives are booking photos as the defendant being under the jurisdiction of the criminal court, must appear in-court; whereby, an in-court identification of the defendant can be made. Consequently, suppressing the booking photos of an illegal arrest would be moot and useless. Not so insofar as date-of-birth, fingerprints, DNA profiles, and other identity-related evidence which *are* suppressible as firmly established case law has settled this issue.

34. However, whereas normally poisoned-fruit evidence invokes the court created exclusionary *rule* – which bars receipt of poisoned-fruit evidence in a criminal trial *only* – where there is an explicit statute governing the operational use of evidence, statutory law trumps or prevails any case law authority that preceded it.

35. The VPPA is the only statute in American jurisprudence that Gakuba has found that the will of the legislature is this explicit and clear in the prohibition of poisoned-fruit identity-related evidence from being received or coming before a “grand jury.” 18 U.S.C. § 2710(d).

36. The will of the legislature must be enforced.

37. Any claim of “inevitable discovery” must show there to have been an independent investigation concurrent to the time the investigation that bore poisoned-fruit took place.



38. The manifest weight of the evidence undisputedly shows, and Gakuba's "Offer of Proof #1," forecloses on any claim that any investigation of any kind had existed – but for the one that led to the unlawful disclosure of Gakuba's identity through his movie rental records.

39. Bear in mind, it is not the movie rental titles that are to be excluded or suppressed, but the identity of the person renting them. *See Amazon v. Lay*, No. C10-664-MJP, 2010 WL 4262266 (W.D. Wash. Oct. 25, 2010) (declaratory judgment and injunctive relief GRANTED against the state of North Carolina and to intervenors John and Jane Does 1 through 6 along with Amazon to destroy records of John and Jane Does 1 through 6)

### III. CONCLUSION

40. Gakuba has proven through his "Offer of Proof #1," that the crucial element of Gakuba's age that the State must prove, had come about from violating the VPPA, first and foremost.

41. Further, because two-step interrogations and "bootstrapping" of illegal or unlawful police conduct may not serve to cleanse the taint of poisoned-fruit, the indictment in this case must be dismissed as having been the byproduct of a grand jury being in receipt of Gakuba's date-of-birth that demonstratively and irrefutably had been obtained before the subsequent illegal seizure of Gakuba as a *Payton* warrantless arrest and *Franks* violations resulting in any in-custody statements by Gakuba to be stricken from false affidavits, and, from any criminal trial were Gakuba not to testify.

42. Just as police may not seek the introduction of inculpatory evidence claimed under the "plain view" doctrine, when those police officers were illegally inside a suspect's home, the State cannot claim that Gakuba's date-of-birth was obtained from "booking" Gakuba when such "booking" evidence only is administrative under the analysis of *Miranda* and 5<sup>th</sup> Amendment law.



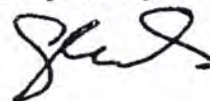
43. Where there is a 4<sup>th</sup> Amendment violation, *preceded* by a violation of a federal privacy statute that forbids that poisoned-fruit evidence from being received by an “officer” or “other authority of a State or political subdivision of a State” – along with prohibitions against its admittance in “other proceedings” including a “grand jury” – then the indictment in the present case *sub judice* is to be dismissed with prejudice. Without the date-of-birth of Gakuba being established, and federal law mandating its exclusion from any and all judicial and administrative proceedings – including a “grand jury” – the offense charged cannot be proven as age of the defendant is the criminal element.

WHEREFORE, Gakuba respectfully moves the state trial court to dismiss the indictment for the aforesaid reasons.

The foregoing DEFENDANT’S MOTION TO DISMISS INDICTMENT GAKUBA’S DATE-OF-BIRTH OBTAINED IN VIOLATION OF THE VPPA has been carefully read by the undersigned who states under oath, under penalties as provided by law pursuant to 735 ILCS 5/109, in this motion and verification by certification statement he has knowledge of the matters stated and he certifies that the statements set forth in this motion and verification by certification statement are true and correct, except as to matters specifically stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Executed on: September 26, 2014

Respectfully Submitted,



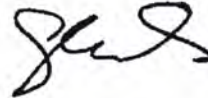
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PETER GAKUBA, *Pro Se*  
P.O. Box 17055  
Rockford, IL 61110  
(925) 464-9533  
Email: pgakuba@gmail.com



**PROOF OF FILING AND SERVICE**

Defendant Peter Gakuba hereby certifies that on September 26, 2014 he hand-delivered a copy to the Clerk of the 17<sup>th</sup> Cir. Ct. of Winnebago Co., and hand-delivered or faxed to the Winnebago Co. State's Attorney (WCSAO) Criminal Division (815) 319) 4701 a true and correct copy of the DEFENDANT'S MOTION TO DISMISS INDICTMENT GAKUBA'S DATE-OF-BIRTH OBTAINED IN VIOLATION OF THE VPPA.



---

Peter Gakuba



BRYAN BRAND May

WINNEBAGO COUNTY, ILLINOIS

Winnebago County Courthouse  
400 West State Street  
Rockford, Illinois  
December 20, 2006

The testimony commenced at 11:10 a.m.

PRESENT: KATE C. KURTZ  
Assistant State's Attorney  
Winnebago County State's Attorney's Office  
400 West State Street, Suite 619  
Rockford, Illinois

1



1 MS. KURTZ: "The grand jury has the right to  
2 subpoena and question any person against whom the  
3 State's Attorney is seeking a bill of indictment, or  
4 any other person, and to obtain and examine any  
5 documents or transcripts relevant to the matter being  
6 prosecuted by the State's Attorney."

7 CHARLES O'BRIEN,

8 having been first duly sworn by the foreperson, was  
9 examined and testified as follows:

10 EXAMINATION

11 BY MS. KURTZ:

12 Q. Sir, would you tell us your name and spell  
13 your last name for the court reporter?

14 A. Charles O'Brien, O-'-B-r-i-e-n.

15 Q. Where do you work, sir?

16 A. Illinois State Police.

17 Q. Sergeant O'Brien, on November 4, 2006 were  
18 you assigned to investigate a case involving Matthew  
19 Schmidt having a sexual relationship with an adult male  
20 Peter Gakuba?

21 A. I was.

22 Q. Was Matthew interviewed and did he state he  
23 met the defendant on the internet, specifically  
24 MySpace, and that Matthew told the defendant he was

1 14 years old?

2 A. Yes, he did.

Prior to violating the VPPA, "John Doe" suspect of movie video renter was believed to be 18 years old.

3 Q. Did Matthew state that the defendant told  
4 him he was 18 years old?

5 A. Yes, he did.

6 Q. Did Matthew say that the defendant had  
7 arranged to pick Matthew up near his home in Rockton,  
8 Illinois?

9 A. Yes, he did.

10 Q. Did Matthew say the defendant picked him up  
11 and they went to Peter Gakuba's hotel room at the  
12 Marriott on the first floor?

13 A. Yes.

14 Q. Did Matthew say while in the hotel room the  
15 defendant placed his mouth on Matthew's penis?

16 A. Yes.

17 Q. Did Matthew say the defendant placed his  
18 penis in Matthew's mouth?

19 A. Yes.

20 Q. Did Matthew say that the defendant placed  
21 his penis in Matthew's anus?

22 A. Yes.

23 Q. Was the defendant interviewed and did he  
24 admit that Matthew Schmidt spent the night in his hotel



1 room at the Courtyard by Marriott on East State Street  
2 in Rockford, Illinois?

3 A. Yes, he was and yes, he did.

4 Q. Was the defendant interviewed by police  
5 detectives and did he admit that he met Matthew on the  
6 internet and -- did he admit he met Matthew on the  
7 internet?

8 A. Yes.

Gakuba's unlawful receipt of  
date-of-birth in violation of the  
VPPA, 18 USC sec. 2710(d)

9 Q. Is Matthew Schmidt's date of birth  
10 January 25th of 1992 and was he 14 years old at the  
11 time of these events?

12 A. Yes.

13 Q. Is Peter Gakuba's date of birth  
14 November 21st of 1969 and was he 37 years old at the  
15 time of these events?

16 A. Yes.

17 Q. Did these events occur in the County of  
18 Winnebago and State of Illinois?

19 A. Yes, they did.

20 MS. KURTZ: Does anyone have any questions  
21 for Sergeant O'Brien?

22 (No response.)

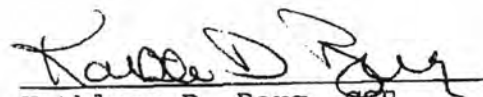
23 MS. KURTZ: Thank you.

24 (Whereupon, the witness was excused from the stand.)

CERTIFICATE OF SHORTHAND REPORTER

I, Kathleen D. Berg, a Certified Shorthand Reporter, (License No. 084-004370) Notary Public in and for the State of Illinois, hereby certify that I reported the testimony in the investigation of the above-entitled cause before the Grand Jury, Winnebago County, Illinois, and that the above and foregoing typewritten transcript is a full, true, and complete transcript of all the shorthand notes of the testimony taken down and reported by me at the investigation of said cause and contains a full, true, and complete report of all the testimony offered or introduced.

Dated this 8th day of January, 2007.

  
Kathleen D. Berg, CSR



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT  
COUNTY OF WINNEBAGO

THE PEOPLE OF THE STATE OF ILLINOIS	)	
Plaintiff,	)	
	)	
vs.	)	No. 06 CF 4324
	)	SUPPLEMENTAL ANSWER TO
	)	DEFENDANT'S MOTION FOR
PETER GAKUBA	)	DISCOVERY BEFORE TRIAL
Defendant.	)	

NOW COME the People of the State of Illinois by Paul A. Logli, State's Attorney, Winnebago County, Illinois, and Kate Kurtz, Assistant State's Attorney, and in their supplemental answer to defendant's motion for discovery before trial state as follows:

5. The transcribed Grand Jury testimony of Charles O'Brien (12/20/06) has been provided to the defense.

THE PEOPLE OF THE STATE OF ILLINOIS

BY: Kate Kurtz  
Kate Kurtz  
Assistant State's Attorney

DATE PREPARED: February 14, 2007

ILLINOIS STATE POLICE  
INVESTIGATIVE REPORT

File #	Reporting Date(s)	Reporting Agent(s)	ID #	Lead No.
06-19162RK	11/04/06	Sgt O'Brien 3944 M/Sgt Easton 3607		

Title	Case Agent:	ID #	Dist./Off.	Typed by:	Date
Peter Gakuba	Balsley	4586	Z2RK	co	11/06/06

**Purpose**

Undisputed fact: Gakuba's identity obtained ONLY upon violating Gakuba's 1st Amend and the VPPA, proceeded by 4th Amend violations and Ill. Const. art 1,

**Interview of Peter Gakuba**

On 11/04/06, at approximately 2:40 a.m., the Rockton Police Department took a missing person report from Jeff and Kim Schmidt, 1204 Sheppard Rd., Rockton, Illinois, regarding their fourteen old son. At approximately 1:50 p.m., the Rockton Police Department was notified that the Schmidt's son had returned home. During the course of an interview with the Juvenile Subject, Rockton Police learned he had spent the night at the Courtyard by Marriott hotel in Rockford with an adult male only known as Phil who he met on the internet. Phil was later determined to be Peter Gakuba, 36 years of age of Baltimore, Maryland. The Rockton Police Department subsequently requested investigative assistance of the Illinois State Police, Zone 2, regarding the encounter between the two individuals.

On 11/04/06, at approximately 5:15 p.m., R/A O'Brien went to the Courtyard by Marriott, located at 7676 E. State St., Rockford, and met with Tanea L. Tennin, the evening desk clerk. Upon talking with Tennin R/A was able to determine Matthew Schmidt (JS) previously identified, was referring to Room 101, at the hotel, during his earlier interview. Tennin checked the registration entries and advised a Peter Gakuba (physical description) had rented room 101 on 11/03/06. It was also determined the room was still rented by Gakuba and his check out date was 11/05/06. R/A went to the hallway where room 101 is located which is also next to an exit door. R/A observed a silver, Ford Taurus, four door (vehicle description), in the first parking stall outside this exit door. R/A conducted a license check on the Illinois registration, F500243, through the Illinois Secretary of State. The vehicle was registered to PV Holding Corporation, Chicago. R/A talked with Tennin and was advised they had no further information on Gakuba due to his reservation being booked through Travelocity.com.

R/A O'Brien contacted Merlin Peacey, via a telephone, store manager for Hollywood Video, 1510 E. Riverside Blvd., Loves Park, Il., 815-282-8509. Peacey advised R/A, Peter Gakuba had rented the three movies R/A inquired about, Scary Movie 1, Scary Movie 2, and Scary Movie 3. The movies were rented on 11/03/06, by Gakuba along with three other movies. Peacey advised Gakuba had a

Undisputed fact: Gakuba's identity obtained in violation of the 1st Amend and the Video Privacy Protection Act, 18 USC sec. 2710 et seq. Law enforcement failed to get consent, or legal process.

This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside your agency.

4493-0117

Appendix A1/9

Def. Exh. 2 pp. 210-211

C 3315



Case 06-19162RK  
 Date 11/04/06  
 Agent Sgt O'Brien 3944  
 Page 2

Undisputed fact: Age and date-of-birth  
 came ONLY from illegal seizure of  
 Gakuba's NY driver's license

Hollywood Video account which listed an address of 10749 Falls Rd., Brooklandville, MD., 21002, TX: 410-308-2777. No further information was obtained from Peacey.

On 11/04/06, Reporting Agents (R/A's) went to room 101, at the Courtyard by Marriott, hotel, 7676 E. State St., Rockford, Il. Assistant Manager Ronald Rodriguez, knocked on the door to room 101 and stated he was the manager of the Marriot and asked the person inside the room, Peter Gakuba, to come to the door. Gakuba asked what he wanted and Rodriguez replied he needed to talk with Gakuba. Gakuba did not answer the door. R/A O'Brien then knocked on the door and identified himself as the police and asked him to open the door as we needed to talk with him. Again Gakuba did not open the door or reply. R/A O'Brien used a hotel master key to open the door. R/A's entered the room, identified themselves as police offices. Gakuba was standing next to the desk and a laptop computer on the desk was observed to be shutting down. Gakuba was wearing a T-shirt, long pajama type bottoms and socks. Gakuba was informed the R/A's were conducting an investigation which required him to accompany us to our office. Gakuba asked if he was under arrest and was advised no, but he had no option to decline. Gakuba put on a button down shirt, pants, shoes, and a long black coat before leaving. The only personal item taken from the room was Gakuba's New York drivers license, copy attached. Prior to leaving Gakuba asked if this was something he needed an attorney for. Gakuba was told by R/A O'Brien that was up to Gakuba, and he could make that decision when we got to our office. Gakuba was then transported to R/A's office, 200 S. Wyman St., Rockford, by Tpr. Paulson of the Illinois State Police (ISP).

Before R/A's departure, 7:25 p.m., R/A Easton placed two pieces of tape on the door and frame to room 101. This tape was also marked by R/A Easton so R/A's could tell if the room had been entered at a later date. In addition the hotel supervisor disabled the unlocking code so that the door could only be opened by the management.

At 7:55 p.m., R/A O'Brien in the presence of R/A Easton read Gakuba his constitutional rights from the ISP constitutional rights and waiver form. R/A placed the form on the desk so Gakuba could see the form as R/A read it to him. After each right Gakuba was asked if he understood the right, and he replied yes, and placed his initials next to each right 1, 2, 3, and 4. Gakuba was asked to sign the form which he did. See attached copy, original placed in a 1-A exhibit envelope and will be maintained in the case file. Gakuba stated he understood his rights and did not have any questions. Gakuba did not request an attorney.

Following is a summary of the information provided by Gakuba as perceived by R/A's.

Gakuba stated he lives at 1101 St. Paul St., Suite 405, Baltimore, MD., 21202. When asked why he has a New York license Gakuba stated he also has an apartment at that location. He advised he has two phone numbers, one through cingular and one through T-mobile, 443-983-0390, and 410-583-6037. He could not recall which number went with which company. Gakuba also had a toll-free number which he obtained about a week ago. The only part of the number he could remember was the first three digits 888.

Gakuba stated he had traveled to Chicago, on business. He was spending the

**A-22/410**  
**Appendix A2/9**

**Deft. Exh. 2 pp. 3/10**

5-311

06-19163 RK  
11/04/06



A-23/110  
Appendix A3/9

Deft. Exh. 2 pp. 4/10

5-36  
00016

C 3317



10749 FAUS RO  
BROOKLANDVILLE RO. MD. 21022  
410-308-2777 CONTACT #  
410 296-1970 WORK #

11/21/69

Undisputed fact: Gakuba's date-of-birth obtained unlawfully from Hollywood Video Account in violation of the VPPA BEFORE Gakuba's illegal seizure. Suppression-Exclusion is MANDATED by Statute. 18 USC, sec. 2710(d)

REISTERSTOWN 21136  
410-517-1808

ACCOUNT # w/ HOLLYWOOD VIDEO  
00082525962

MD 5558<sup>5</sup>4989

Undisputed fact: Gakuba's driver's license # obtained from Hollywood Video Account prior to illegal seizure.

STORE NUMBER FIRST SIX OF ACCOUNT

11/03/06 RENTED 6 MOVIES  
DVD. SCARY MOVIE 1 - 2 & 3  
CHICK  
MISSION IMPOSSIBLE 3  
PAAAT GIRLZ  
CK OUT 10:06 PM

CK IN 4:03 PM 11/04/06

A-24/110  
Appendix A4/9

Deft. Exh. 2 pp. 5/105-1171

10749 FALLS RD  
BROOKLANDVILLE RD. MD. 21022  
410-308-2777 CONTACT #  
410 296-1970 WORK #

11/21/69

STORE.

(REISTERSTOWN 21136  
410-517-1808)

ACCOUNT # w/ HOLLYWOOD VIDEO  
0208252596/2

MD 555 8<sup>5</sup>~~2~~4989

STORE NUMBER FIRST SIX OF ACCOUNT

11/03/06 RENTED 6 MOVIES  
DVD. SCARY MOVIE 1 - 2 & 3  
CHICK  
MISSION IMPOSSIBLE 3  
PATT GIRLZ  
CK OUT 10:06 PM

CK IN 4:03 PM 11/04/06

A-25/110

Appendix A5/9

Deft. Exh. 2 pp. 6/105. 11/11



# ILLINOIS STATE POLICE PERSONAL HISTORY REPORT

1. File # -19163RK	2. Date 11/04/06	3. Type of Report Arrest <input checked="" type="checkbox"/> Information <input type="checkbox"/>	4. Case Agent ID # Balsley 4586	5. District/Office Z2 RK	6. Typed By DB
7. C/S Name		8. Arrest # A80390	9. Place of interview Zone 2 Investigations Rockford Office		10. Time Began 9:20 P.M.
11. Interviewed By M.L. Easton			12. Others Present N/A		

## I. DESCRIPTIVE AND IDENTIFICATION

13. Full Name (First name, middle initial and last) Peter Gakuba		14. Alias/Nickname N/A		15. Undisputed fact: this # not on Hollywood Video Acct. Proves Hollywood Video Acct. Info. acquired before Gakuba's illegal arrest / seizure.	
16. Address 1101 St. Paul St #405		17. City Baltimore		18. State MD	19. How Long 20 years
20. Telephone 410-576-9100		21. Previous Address N/A		22. City N/A	23. State N/A
24. How Long N/A		25. Telephone N/A		26. Sex Male	
27. Race American		28. Height 6'00"	29. Weight 160	30. Age 36	31. DOB 11/21/69
32. Place of Birth Baltimore		33. Citizenship US		34. Hair Black	35. Facial Hair None
36. Eyes Brown		37. Glasses yes	38. Build Slim	39. Complexion Med	40. Social Security # [REDACTED]
41. Drivers License # MD		42. Scars/Marks None/ 2 birth marks		43. Tattoos (Type and Location) N/A	
44. Attire Blue shirt/ Black slacks and shoes		45. Visible In N/A		46. Undisputed fact: Trial court's clear error of fact ruling Gakuba's age/date-of-birth obtained from "Booking Process" @ 11:52 PM CST when Gakuba illegally seized at 6:00 PM CST -- along with Gakuba's Hollywood Video Account Info. & NY Driver's License.	
47. License N/A		48. Occupation Business		49. Previous Employer N/A	

## II. CURRENT ARREST DATA

58. Date of Arrest 11/04/06	59. Time of Arrest 9:20 P.M.	60. Location of Arrest 200 S. Wyman St. Rockford IL 61101	
61. ISP Arresting Agents Sgt. C. O'Brien #3944		62. Other Officers Present M/Sgt. M. Easton #	
63. Charges 2 counts Aggravated Criminal Sexual Assault		64. Date of Offense 11/03/06	65. Offense (ILCS) 720 ILCS 5/12-16(d)
66. Defendant Transported To Winnebago County Jail		67. Transported By Winnebago County Jail Transport	
68. Rights Given Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		69. Time 7:55 p.m.	70. LEADS/NCIC Checked By [REDACTED]
71. Caution Codes <input type="checkbox"/> Attempted Suicide <input type="checkbox"/> Drug Use <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Armed With Weapon <input type="checkbox"/> Alcohol Use		72. Habitual Criminal <input type="checkbox"/> Yes <input type="checkbox"/> No	
73. Fingerprint Cards Submitted By [REDACTED]		74. FBI # [REDACTED]	75. ISB # [REDACTED]
76. C.P.R. IR # [REDACTED]		77. Public Aid # [REDACTED]	
78. Alien ID # [REDACTED]		79. F.O.I.D. # [REDACTED]	

Gang/Organization Affiliation

Person(s) Contacted

N/A

A-26/1140

Deft. Exh. 2 pp. 7/10



## III. PERSONAL DATA

80. Marital Status Single	81. Times Married N/A	82. Dates Married N/A	83. Places Married N/A	84. Times Divorced N/A	85. Dates Div. N/A	86. Places Divorced N/A
87. Present Spouse N/A		88. Maiden Name N/A		89. Date of Birth N/A		90. Occupation N/A
91. Previous Spouse N/A		92. Address N/A		93. Previous Spouse N/A		94. Address N/A
95. Father David Gakuba		96. Address N/A		97. Mother Allah Gakuba		98. Address N/A
99. Father-in-law N/A		100. Address N/A		101. Mother-in-law N/A		102. Address N/A
103. Sister/Brother Chris Gakuba		104. Address 2373 Broadway #1121 New York NY		105. Sister/Brother N/A		106. Address N/A
107. Sister/Brother N/A		108. Address N/A		109. Sister/Brother N/A		110. Address N/A
111. Children N/A		112. Age N/A	113. Children N/A		114. Age N/A	115. Children N/A
117. Children N/A		118. Age N/A	119. Children N/A		120. Age N/A	121. Children N/A
123. Military Service (Branch) N/A		124. Dates N/A	125. Rank Attained N/A	126. Job Assignment N/A	127. Service No. N/A	128. Type of Discharge N/A
129. Read Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	130. Write Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	131. Registered Voter Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	132. County N/A		133. Union Member N/A	134. Union and Local # N/A
135. High School Attended Owings Mills H.S.			136. Years 4	137. College Attended John Hopkins Baltimore Economics		138. Years 4
139. Doing Business As Sole Proprietor or Partnership Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Business Name				140. Address Baltimore		141. Partners N/A
142. Officer, Director or Principal Stockholder in Any Corporation Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Corporation Name			143. Pay Property Tax Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	144. County N/A		State N/A
145. Bank State Farm Bloomington IL		146. Type of Accounts Savings / Checking		147. Maintain Cash in Safety Deposit Box Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Where		
148. Loans Outstanding Vehicle			149. Attorney David Shapiro			

## IV. ARREST/DRUG DATA

150. Previous Arrest/Charge No	151. Date	152. Co-Defendants	153. Arresting Agency	154. Disposition
155. Previous Arrest/Charge	156. Date	157. Co-Defendants	158. Arresting Agency	159. Disposition
160. Previous Arrest/Charge	161. Date	162. Co-Defendants	163. Arresting Agency	164. Disposition
165. Addicted to Drugs Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	166. Habitually Use Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	167. Drugs Used Marijuana		168. Date First Used 1982
169. Source of Drugs street		170. Drug Associates N/A		
171. Addiction Cures Attempted <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Private		172. Length of Treatment N/A	173. Location N/A	174. Time Interview Ended 9:35 p.m.

A-27/110  
Appendix A7/9

Deft. Exh. 2 pp. 8/10

5-430



# ILLINOIS STATE POLICE PERSONAL HISTORY REPORT

1. File # 06-19163RK	2. Date 11/04/06	3. Type of Report Arrest <input checked="" type="checkbox"/> Information <input type="checkbox"/>	4. Case Agent ID # Balsley 4586	5. District/Office Z2 RK	6. Typed By DB
7. C/S Name		8. Arrest # A80390	9. Place of interview Zone 2 Investigations Rockford Office		10. Time Began 9:20 P.M.
11. Interviewed By M.L. Easton			12. Others Present N/A		

## I. DESCRIPTIVE AND IDENTIFYING DATA

13. Full Name (First name, middle initial and last) Peter Gakuba				14. Alias/Nickname N/A				15. Maiden Name N/A			
16. Address 1101 St. Paul St #405				17. City Baltimore		18. State MD		19. How Long 20 years		20. Telephone 410-576-9100	
21. Previous Address N/A				22. City N/A		23. State N/A		24. How Long N/A		25. Telephone N/A	
26. Sex Male		27. Race American		28. Height 6'00"		29. Weight 160		30. Age 36		31. DOB 11/21/69	
32. Place of Birth Baltimore		33. Citizenship US		34. Hair Black		35. Facial Hair None		36. Eyes Brown		37. Glasses yes	
38. Build Slim		39. Complexion Med		40. Social Security # 2-XXXX-XXXX		41. Drivers License # MD		42. Scars/Marks None/ 2 birth marks		43. Tattoos (Type and Location) N/A	
44. Attire Blue shirt/ Black slacks and shoes				45. Visible Injuries N/A							
46. Automobile (Year, Color, Make, Model) N/A				47. License (Year, State, Number) N/A							
50. Employer Self employed				51. Address 1101 St. Paul St #405				52. Occupation Business Consultant			
54. Previous Employer N/A				55. Address N/A				56. Occupation N/A			
53. Length N/A				57. Length N/A				58. Length N/A			

## II. CURRENT ARREST DATA

58. Date of Arrest 11/04/06		59. Time of Arrest 9:20 P.M.		60. Location of Arrest 200 S. Wyman St. Rockford IL 61101	
61. ISP Arresting Agents Sgt. C. O'Brien #3944			62. Other Officers Present M/Sgt. M. Easton #3607		63. Other Agency
64. Charges 2 counts Aggravated Criminal Sexual Assault		65. Date of Offense 11/03/06		66. Offense (ILCS) 720 ILCS 5/12-16(d)	
67. Crime Code(s) 1563		68. Defendant Transported To Winnebago County Jail		69. Transported By Winnebago County Jail Transport	
70. Time 11:52 p.m.		71. Rights Given Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		72. LEADS/NCIC Checked By Sgt. C. O'Brien #3944	
73. Time 7:55 p.m.		74. Cautions		75. Other	
76. Fingerprint Cards Submitted By		77. FBI #		78. Person(s) Contacted	
79. Gang/Organization Affiliation N/A		80. Person(s) Contacted		81. Person(s) Contacted	

A-28/110

Deft. Exh. 2 pp. 9/10



## III. PERSONAL DATA

80. Marital Status	81. Times Married	82. Dates Married	83. Places Married	84. Times Divorced	85. Dates Div.	86. Places Divorced
Single	N/A	N/A	N/A	N/A	N/A	N/A
87. Present Spouse		88. Maiden Name		89. Date of Birth	90. Occupation	
N/A		N/A		N/A	N/A	
91. Previous Spouse		92. Address		93. Previous Spouse		94. Address
N/A		N/A		N/A		N/A
95. Father		96. Address		97. Mother		98. Address
David Gakuba				Allah Gakuba		
99. Father-in-law		100. Address		101. Mother-in-law		102. Address
N/A		N/A		N/A		N/A
103. Sister/Brother		104. Address		105. Sister/Brother		106. Address
Chris Gakuba		2395 Broadway #1121 New York NY		N/A		N/A
107. Sister/Brother		108. Address		109. Sister/Brother		110. Address
N/A		N/A		N/A		N/A
111. Children		112. Age	113. Children		114. Age	115. Children
N/A		N/A	N/A		N/A	N/A
117. Children		118. Age	119. Children		120. Age	121. Children
N/A		N/A	N/A		N/A	N/A
123. Military Service (Branch)		124. Dates	125. Rank Attained	126. Job Assignment	127. Service No.	128. Type of Discharge
N/A		N/A	N/A	N/A	N/A	N/A
129. Read Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	130. Write Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	131. Registered Voter Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	132. County		133. Union Member	134. Union and Local #
			N/A		N/A	N/A
135. High School Attended			136. Years	137. College Attended		138. Years
Owings Mills H.S.			4	John Hopkins Baltimore Economics		4
139. Doing Business As Sole Proprietor or Partnership Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Business Name				140. Address		141. Partners
				Baltimore		N/A
142. Officer, Director or Principal Stockholder in Any Corporation Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Corporation Name				143. Pay Property Tax Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	144. County	State
					N/A	N/A
145. Bank		146. Type of Accounts		147. Maintain Cash in Safety Deposit Box Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Where		
State Farm Bloomington IL		Savings / Checking				
148. Loans Outstanding Vehicle				149. Attorney David Shapiro		

## IV. ARREST/DRUG DATA

150. Previous Arrest/Charge	151. Date	152. Co-Defendants	153. Arresting Agency	154. Disposition
No				
155. Previous Arrest/Charge	156. Date	157. Co-Defendants	158. Arresting Agency	159. Disposition
160. Previous Arrest/Charge	161. Date	162. Co-Defendants	163. Arresting Agency	164. Disposition
165. Addicted to Drugs Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	166. Habitually Use Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	167. Drugs Used		168. Date First Used
		Marijuana		1982
169. Source of Drugs		170. Drug Associates		
street		N/A		
171. Addiction Cures Attempted <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Private		172. Length of Treatment	173. Location	174. Time Interview Ended
		N/A	N/A	9:35 p.m.

A-29/110  
Appendix A9/9

Deft. Exh. 2 pp. 10/10

C 3323



THIS CORRESPONDENCE  
IS FROM AN INMATE OF  
THE ILLINOIS DEPT  
OF CORRECTIONS



UNITED STATES POSTAGE  
FITNEY BOWES  
02 1M  
0004291134  
AUG07 2019  
\$ 06.70<sup>00</sup>  
MAILED FROM ZIP CODE 62454

PETER BAKUBA (MS2946)  
ROBINSON CC  
13423 E. 1150<sup>TH</sup> AVE.  
ROBINSON, IL 62454

COURT CLERK - PRISONER CORRESPONDENCE  
U.S.D.C. - N.D.IL., E.D.IV.  
219 S. DEARBORN ST.  
CHICAGO, IL 60604

RECEIVED

AUG 12 2019

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

1:19-cv-05429  
Judge John J. Tharp, Jr  
Magistrate Judge Jeffrey Cummings  
PC9



08/12/2019-1

LEGAL MAIL